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INDIAN TREATIES IN HISTORICAL PERSPECTIVE

prepared by

George Brown & Ron Maguire

for

Research Branch

Department of Indian and Northern Affairs

Ottawa, 1979

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PREFACE

The Treaties are a significant element of Canada's Indian heritage. To many Canadians the Treaties are symbolic assurance of continuing Indian identity.

Our intention is to provide a general overview of Indian treaty activity in Canada and a base for further research. The work is not designed for the specialist but for those not familiar with the historical background and provisions of Canadian Indian treaties. Although there is no footnoting for the information given, extensive bibliographies on Indian Treaties and related matters are available by writing to the Treaties and Historical Research Centre. The Centre will also provide, upon request, full-size copies of the Treaty Agreements Chart and the Treaty Map which are shown as illustrations on Pages xxv and xxvi, respectively.

The original composition was written for internal Departmental use in 1969 by George Brown, Treaties Adviser from late 1968 to his retirement in 1975. Ron Maguire, now Deputy Chief of the Treaties and Historical Research Centre and a research assistant to Mr. Brown during the writing of the paper, has revised it and incorporated additional material; however, the historical rationale remains substantially the same. The views expressed are not necessarily those of the Department.

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May 1979

CHRONOLOGICAL SEQUENCE OF EVENTS

- 1497 - John Cabot claims Newfoundland for King Henry VII of England.
- 1519 - The mouth of the Mississippi is discovered by Alonso Alvarez de Pineda (Spanish).
- 1520 - Fagundes explores the coast of Cape Breton and Nova Scotia for Portugal.
- 1534 - Jacques Cartier, at Gaspé, claims the territory for Francis I of France.
- 1565 - The French settlement at St. Augustine, Florida, is wiped out and replaced by the Spanish.
- 1576-78 - Martin Frobisher, for England, explores Frobisher Bay (Baffin Island) in search of the North-West Passage.
- 1578-79 - Sir Francis Drake sails as far north as 43⁰ or 48⁰ north latitude and then south to 38⁰ on the west coast of North America, names the land Nova Albion, and claims it for Queen Elizabeth.
- 1583 - Sir Humphrey Gilbert reasserts England's claim to Newfoundland in Queen Elizabeth's name.
- 1586 - Drake raids and obliterates the Spanish settlement at St. Augustine, Florida.
- 1598 - Spain claims all of southern North America from a line drawn diagonally from the source of the Chattahoochee northwesterly to the 40th parallel.
- 1603 - Union of the Crowns: James VI of Scotland 1566-1625 (son of Mary Queen of Scots) becomes James I of Great Britain.
- 1606 - Under Sieur de Monts and Samuel Champlain, the French achieve their first success in Acadia with the establishment of Port Royal.
- 1607 - The English establish settlements on Chesapeake Bay and in Virginia.
- 1608 - Champlain transfers principal French activities from Acadia to Quebec.
- 1609 - Henry Hudson explores the Hudson River, and is followed by Dutch traders.

- 1609 - On behalf of his Algonkian Indian allies, Samuel Champlain opens hostilities with the Iroquois of the Five Nations.
- 1610 - Henry Hudson enters Hudson Strait, and explores Hudson and James Bays for England.
- 1611 - Dutch traders in the Hudson River Valley supply Iroquois with firearms against the French.
- 1612-74 - Dutch fur-trading companies in Hudson River Valley operate from Fort Nassau (later called Fort Orange, now Albany) and New Amsterdam (now New York City).
- 1615 - Iroquois of the Hudson Valley defeat combined invasion force of French, Hurons, Algonkins and Andastes.
- 1621 - James I creates Nova Scotia to stand between New England and New France.
- 1629 - The Kirke brothers take Quebec for Great Britain.
- 1632 - The Treaty of St. Germain returns Acadia and Quebec to France.
- 1633 - Champlain returns to New France and rebuilds Quebec.
- mid to late 1600's - Iroquois of the Five Nations extirpate Algonkins, Hurons, Neutrals, Eries and Andastes.
- 1638-55 - The New Sweden Company establishes a settlement and conducts trade at Fort Christina on the Delaware River.
- 1650 - Remnants of Hurons are established at Lorette (near Quebec) by French.
- 1666 - With the invasion of the Hudson Valley by de Tracy, the French obtain a twenty-year peace with the Five Nations.
- 1667 - The Iroquois of Caughnawaga (Five Nations' people from Hudson Valley - converted to Catholicism) are established at the Seigneury of La Prairie (opposite Montreal) by French clerics.
- 1667 - French suzerainty over Acadia is recognized in the Treaty of Breda.
- 1670 - Smallpox kills thousands of Indians in northern (Canada).
- 1670 - Charles II of Great Britain grants the charter to the "Company of Adventurers Trading into Hudson Bay" (Hudson's Bay Company).

- 1670 - British officials are directed to enter into "Peace and Friendship" treaties with Indian people of North America.
- 1671 - Grand congress at the Falls of St. Mary - Canadian Indians give their formal submission to King of France.
- 1671-72 - The French build a fort at Cataraqui (Kingston) to control the Iroquois.
- 1672-73 - The French build forts at Michilimackinac, Niagara, and between Lakes Erie and Huron.
- 1674 - The British supplant the Dutch in Hudson River Valley and take over trade with the Iroquois of the Five Nations.
- 1697 - France claims all the drainage basin of the Mississippi (easterly to the British Colonies).
- 16-1700's - European fishermen eliminate the Beothuk in Newfoundland with the help of Micmac mercenaries.
- 1690-1763 - French and Spanish settlements on Florida peninsula: French on Gulf Coast, Spanish on Atlantic.
- 1713 - By the Treaty of Utrecht France cedes Acadia (Nova Scotia) with the exception of Cape Breton Island to Great Britain, relinquishes claims to Newfoundland, and recognizes British rights to Rupert's Land and British suzerainty over the Iroquois. The future of New Brunswick remains in contention.
- 1714-15 - The Five Nations of the Iroquois become the Six Nations by the movement of the Tuscaroras from Carolina to the Hudson Valley.
- 1725 - Treaty of Peace and Friendship between the British Crown and the Penobscott, Naridgwack, St. Johns, and Cape Sables Tribes signed at Boston.
- 1728 - The St. Johns, Cape Sables, and other tribes sign Peace and Friendship Treaty at Annapolis Royal with the British Crown.
- 1729 - 400 Iroquois of Caughnawaga are induced to settle at Lake of Two Mountains (Oka) by French Sulpicians.
- 1741 - Vitus Bering discovers Alaska (Russian America) and explores the coasts for Czarina Elisabeth of Russia.

- 1749 - A French cleric establishes a settlement of Caughnawaga Iroquois at Ogdensburg; the inhabitants subsequently remove to Caughnawaga and St. Regis.
- 1749 - The Indians of Chinecto and St. Johns renew Articles of submission and agreement with the British Crown at Chibucto Harbour.
- 1749 - The St. Johns River Indians sign Articles of submission and agreement with the British Crown.
- 1752 - At Halifax, the East Coast Micmacs subscribe to the terms of the 1725 Treaty and encourage other tribes to sign.
- 1755-59 - St. Regis is established by French clerics with Iroquois from Caughnawaga.
- 1759 - Quebec is taken by General Wolfe for Great Britain.
- 1759 - Niagara is taken by Sir William Johnson.
- 1760 - The St. John and Passamaquoddy tribes confirm and renew the 1725 and 1749 Treaties provisions at Halifax; the Richebuctou Micmacs also subscribe on terms similar to those of the 1725 Treaty.
- 1760 - Montreal is taken by the British, led there by the Iroquois of Caughnawaga. Detroit and Michilimackinac surrender to the British.
- 1760 - Articles of Capitulation state that the late Indian allies of the French Sovereign are not to be penalized, nor disturbed in possession of the lands they occupy.
- 1762 - By the Treaty of Fountainebleau France secretly cedes Louisiana to Spain.
- 1763 (Feb.) - By the Peace of Paris all eastern North America, excepting St. Pierre and Miquelon Islands, is confirmed as British territory. The Spanish (allies of French during Seven Years War), nominally in control of Florida, cede same to Britain.
- 1763 (May) - Pontiac leads Indian people of the then North-West against the British.

- 1763
(Oct.) - Royal Proclamation directs that all lands for future settlement and development in British America must first be cleared of the Indian title by Crown purchase.
- 1766
(July) - Pontiac ceases hostilities.
- 1769 - The Spanish erect the post of San Francisco to establish claim to the west coast of North America.
- 1769 - Spain takes over the formal administration of Louisiana.
- 1769-72 - Samuel Hearne, for the Hudson's Bay Company, explores the Slave River and Great Slave Lake Districts; follows the Coppermine River north to the Arctic.
- 1770's-
80's - The British (Captain Cook, 1778), Spanish, and the Americans, respectively, arrive off British Columbia to investigate Russian penetration southward along the Coast.
- 1774 - The Quebec Act extends Quebec's boundaries to the confluence of the Ohio and Mississippi Rivers.
- 1779 - The Micmacs (ranging the area between Cape Tormentine and the Bay of Chaleur) ratify previous Micmac treaty commitments and encourage other signators.
- 1781 - Smallpox reduces Prairie Indians by one-third.
- 1775-83 - the Revolutionary War; Captain Joseph Brant (Thayendanege) leads the Mohawks, Senecas, Cayugas and Onondagas of the Six Nations against American forces. In recognition of their services these Iroquois are promised lands in British America.
- 1781
(Oct.) - Cornwallis surrenders at Yorktown, Virginia.
- 1783 - By the Treaty of Paris (Versailles) the United States gains independence from Great Britain. The present boundaries of Canada are defined from the Atlantic to the Lake of the Woods. Spain regains Florida.
- 1783-84 - Because of United Empire Loyalist settlement during and after the Revolutionary War (and promises made Iroquois allies regarding land) along the north shore of Lake Ontario, Governor General Haldimand directs that "purchases" of the land be made from the Indian people deemed to be in occupation.

- 1784 - Land selected for the Iroquois at the Bay of Quinte is rejected by Captain Brant, but accepted by Captain Deseronto and becomes Tyendinaga. Haldimand reserves a grant for Brant's faction along the Grand River; however, the deed is defective and is not rectified until 1793.
- 1784 - The Russians establish permanent posts in the Aleutian Islands and on the coast of Russian America.
- 1784 - New Brunswick and Cape Breton Island are separated from Nova Scotia.
- 1784 - Independent Scottish fur traders out of Montreal unite to form the North West Company.
- 1784-1850 - Under about twenty-four exercises variously described as purchases or surrenders and the two Robinson Treaties of 1850, substantially all of Upper Canada is cleared of the Indian title. (The Robinson Treaties introduce method and formalize negotiation.)
- 1789 - Seeking an inland water route to Cook Inlet on the Coast of Russian America for the North West Company, Alexander Mackenzie discovers the river which bears his name and follows it to the Arctic.
- 1791 - The Imperial Parliament divides Quebec into Upper and Lower Canada (Constitutional Act).
- 1791 - Captain George Vancouver acknowledges the restoration of British prerogatives on the west coast after the Nootka Convention. Spanish claims to the entire northwest coast are discounted.
- 1793 - Alexander Mackenzie reaches the Pacific Ocean through the Peace River Canyon and Dean Channel; is the first to reach the west coast overland.
- 1794 - Spain recognizes the Mississippi River as the western boundary of the United States.
- 1794-96 - Despite the boundary definition agreed to in the peace of 1783, British garrisons are still stationed south of the border and North West Company traders are still operating in the triangular area between the Ohio and Mississippi Rivers south of the Great Lakes; the Jay Treaty is designed to remove the troops and, with concurrent pressure from John Jacob Astor, to clear out the Montreal-based traders who merely move their operation north and west to the lands being opened up by Mackenzie. Some of the Iroquois middlemen remain to trade with the Americans under the protection of the Jay Treaty; others accompany the North West men.

- 1799-1804 - Governor Baranov of Russian America decides to erect his capital at Sitka. The fort is destroyed by the Tlingits in 1802. Baranov retakes the site in 1804, the island is renamed Baranov Island and he renames his capital New Archangel.
- 1800 - retrocession of Louisiana from Spain to France.
- 1803 - France sells Louisiana to the United States.
- 1803-1819 - The United States contend with Spain for the Floridas; Spain finally cedes the Floridas to the United States.
- 1805 - Lewis and Clarke, for the Americans, are guided through the Rockies by Sacagawea, Shoshone woman, to the mouth of the Columbia River.
- 1807 - The Governor is in residence at "Baranov's Castle" in New Archangel.
- 1808 - The Nor' Wester, Simon Fraser, reaches the Pacific by way of the river which bears his name.
- 1811 - David Thompson for the North West Company arrives at the coast by way of the Columbia River to find that John Jacob Astor has established his western headquarters at its mouth (1810).
- 1811 - Baranov establishes a Russian-built and Russian-manned post, Fort Ross, less than 100 miles north of San Francisco on the California coast.
- 1812 - The Red River Colony of Highland Scots is established by Lord Selkirk.
- 1812-14 - War between Great Britain and the United States: by reason of the hostilities the United States considers the Jay Treaty to be abrogated.
- 1814 - The Treaty of Ghent reinstates the provisions affecting the fur trade whereby Indian middlemen and Indian collectors may travel back and forth across the boundary without being assessed duties on their "proper goods and peltries"; however, as these reinstated provisions are not self-executing it is left to each Government to enact enabling legislation.
- 1817 - The Earl of Selkirk, on behalf of King George III, negotiates a Treaty with the Saulteaux and Crees for extinction of the Indian title to the area covered by the Red River Colony.

- 1818 - The Boundary Convention confirms the border to the Lake of the Woods and establishes the 49th parallel of latitude as the dividing line west to the Rocky Mountains.
- 1821 - The North West and Hudson's Bay Companies merge under the name of the senior enterprise. The Red River Colony's population immediately expands from the influx of released employees and their mixed-blood families.
- 1821 - An Act for Regulating the Fur Trade gives the revitalized Hudson's Bay Company exclusive licence (renewable in 21 years) to trade with Indians in all unsettled parts of North America.
- 1821 - On Imperial orders, the Governor of Russian America pushes the southerly limits of his administration to the 51st parallel, excludes all foreigners (whether seeking trade or otherwise) and limits foreign ships to 100 miles from shore (to be enforced by Russian warships).
- 1824 - In concert with Great Britain, President Monroe applies pressure on Russia and in a consequent treaty with the United States, Russia is obliged to pull back to the present southerly limits of Alaska, confine herself to areas north of those limitations and reopen foreign trade.
- 1825 - In her version of the Treaty, Great Britain limits Russian activities south of the Alaskan peninsula to the coastal area, obtains access rights through the inlets of the coastal area and defines the present boundary of the main peninsula with the Yukon Territory.
- 1840 - The Province of Canada is formed by the union of Upper and Lower Canada.
- 1846 - The ambiguous administration of the Oregon Territory (shared between Britain and the United States) is resolved by the Treaty of Washington in which the international boundary is continued along the 49th parallel to the Pacific Ocean and around the southern tip of Vancouver Island.
- 1849 - By Imperial grant, the Hudson's Bay Company is charged with the settlement and colonization of Vancouver Island. The Colonial Office appoints Richard Blanshard, a lawyer with no Company connection, as first Governor. Eighteen months later, James Douglas succeeds to the post, yet retains his position as Chief Factor over the Company's fur-trading activities both on the Island and the mainland opposite (New Caledonia).

- 1850 - The Hon. William B. Robinson of Toronto concludes treaties with the Ojibeway peoples occupying the north shores of Lakes Huron and Superior, covering twice as much land as in all previous surrenders in Upper Canada. He is credited by Lieutenant-Governor Morris of Manitoba and the North-West Territories with establishing the sophisticated "treaty" method adopted in all subsequent Indian "title surrenders".
- 1850-54 - Governor Douglas concludes fourteen agreements with several hundred Indian people in small areas of Vancouver Island whereby their Indian title is surrendered for cash payment.
- 1857 - Chief Justice Draper (Province of Canada) before a Select Committee of the British Parliament convoked to consider the future of Rupert's land recommends that Canada gradually take over the Company's land holdings and that an east-west railway is feasible. Although not immediately acted on, the Committee recommends that the Red and Saskatchewan River districts be ceded to Canada.
- 1861 - Governor Douglas directs that village reserves be clearly defined throughout the Crown Colonies of Vancouver Island and British Columbia.
- 1861-65 - The Civil War in the United States speeds the drive toward unity in British North America.
- 1866 - The Crown Colonies of Vancouver Island (1849) and British Columbia (1858), along with the Stickeen Territory (1862), are united and give the Province of British Columbia its present boundaries.
- 1867 - The United States purchases Alaska from Russia.
- 1867 - Nova Scotia, New Brunswick, and the Province of Canada (immediately divided to become Ontario and Quebec), unite to form the Dominion of Canada.
- 1868-69 - Louis Riel returns to the Red River Valley to lead Métis resistance and forms a Provisional Government.
- 1870 - Canada acquires the North-Western Territory and Rupert's Land from the Hudson's Bay Company. The nucleus of Manitoba is raised as a Province in Confederation, incorporating the central core of the Red River Colony.
- 1870 - Article Fourteen of the Order-in-Council admitting Rupert's Land and the North-Western Territory into the Dominion obliges Canada to satisfy Indian claims to compensation for lands required for settlement.

- 1870 - Smallpox spreads throughout Indian encampments in the West.
- 1871 - British Columbia enters Confederation on the understanding that construction of the east-west railway will begin in two years and will be completed in ten.
- 1871 - Treaty No. 1 (post-Confederation) is concluded covering the Manitoba nucleus. Treaty No. 2, concluded in the same month, took in the most likely areas of expansion and settlement west and north of the Province.
- 1873 - Alexander Morris, as principal negotiator and Lieutenant-Governor of Manitoba and the NWT, concludes Treaty No. 3 with the Ojibway people of the North-West Angle (Lake of the Woods area), opening up "the Pacific Railway Route to the NWT."
- 1873 - The government of Sir John A. Macdonald is defeated on a question of the Canadian Pacific Railway charter. The matter remains in doubt until the return of the Macdonald government in 1878.
- 1873 - Prince Edward Island enters Confederation.
- 1873 - The North-West Mounted Police is established to maintain order (particularly concerning settlers and Indians) in the vast territory west of the settled parts of Manitoba.
- 1874 - Treaty No. 4 is concluded covering the present south Saskatchewan area of the Fertile Belt.
- 1875 - Treaty No. 5 is concluded on the Minister of the Interior's report it was essential that "Indian title to all the territory in the vicinity of the Lake (Winnipeg) be extinguished so that settlers and traders might have undisturbed access to its waters, shores, islands, inlets and tributary streams."
- 1875 - The North-West Territories Act elevates the NWT to separate government status.
- 1876 - Treaty No. 6, covering the northerly reaches of the Fertile Belt in what is now central Saskatchewan and Alberta, is concluded.
- 1877 - Treaty No. 7, under the Hon. David Laird, Lieutenant-Governor, NWT, completes "the series of treaties, extending from Lake Superior to the slopes of the Rocky Mountains" covering the most likely areas for settlement in the western Fertile Belt and the prospective route (with alternatives) for the Canadian Pacific Railway.

- 1878 - The return of the Macdonald government sees emphasis on national unity through western settlement, the transcontinental railway and protective tariffs.
- 1879 - The buffalo disappear from the Canadian prairies.
- 1879 - The Honourable Edgar Dewdney is appointed first Indian Commissioner of the North-West to ensure observance of all treaty stipulations; urges Indians to select reserve lands; offers Government assistance and instruction in farming.
- 1879-85 - Gradual settlement on reserves of former buffalo-hunting tribes.
- 1880 - The CPR is launched under the direction of Montreal Scots-Canadians.
- 1880 - British rights to the Arctic islands pass to Canada.
- 1881 - The boundaries of Manitoba are extended to include substantially all the area covered by Treaties Nos. 1, 2 and 3; however, inclusion of the Treaty No. 3 section is contested by Ontario.
- 1882 - The Provisional Districts of Saskatchewan and Assiniboia (covering Treaties Nos. 6 and 4 in what is now Saskatchewan), Athabaska and Alberta (covering Treaties Nos. 6 and 7 in what is now the Province of Alberta) are created.
- 1885 - The North-West Rebellion is led by Louis Riel (mainly in Saskatchewan).
- 1885 - The last spike is driven on the CPR at Craigellachie (Eagle Pass) in the heart of the Rockies.
- 1889 - The Ontario-Manitoba boundary dispute is resolved by the Ontario Boundary Act; Ontario is enlarged north to the Albany River and west to include most of the Treaty No. 3 area.
- 1889 - Adhesion to Treaty No. 6 by the James Roberts and William Charles Indian Bands extinguishes the Indian title in the Montreal Lake and Lac la Ronge areas.
- 1897 - Gold is discovered at the Klondike River (Yukon).
- 1898 - The Yukon becomes a Territory separate from the North-West Territories.

- 1898 - The boundaries of Quebec are extended north, almost complementing the revised northern boundary of Ontario.
- 1899 - Treaty No. 8 is concluded to clear access to the Pelly River in the Yukon from Edmonton. It is the most comprehensive treaty activity undertaken, covering half of the present Province of Alberta, the northeast quarter of British Columbia, the Mackenzie District south of Great Slave Lake to the 60th parallel (1900) and the northwest corner of Saskatchewan.
- 1900 - Because of increasing exploratory activity, the area south of Great Slave Lake to the 60th parallel is included in Treaty No. 8.
- 1905 - Treaty No. 9 extinguishes the Indian title to the huge expanse of unceded territory in the present province of Ontario between the Albany River and the Robinson Treaties and Treaty No. 3.
- 1905 - The Provinces of Saskatchewan and Alberta are created with their present boundaries.
- 1906 - Under Treaty No. 10 a large area in northern Saskatchewan and an adjoining small triangle at the 55th parallel in Alberta are cleared of the Indian title.
- 1908-10 - Adhesions to Treaty No. 5 complete its coverage in what is now northern Manitoba.
- 1911 - The Pacific Fur Seals Convention is concluded by Canada, Japan, the United States and Russia. The Indian people are allowed to take the animals in accordance with traditional practice (open canoes).
- 1912 - Ontario and Manitoba attain their present boundaries. Quebec extends northward to absorb the District of Ungava and agrees to negotiate surrender of the Indian title to the territory; the Quebec-Labrador boundary remains in contention.
- 1916 - The Migratory Birds Convention for the protection of migratory birds in Canada and the United States is concluded; it is put into force in Canada by the Migratory Birds Convention Act of 1917.
- 1921 - Immediately following the discovery of oil at Fort Norman in 1920, Treaty No. 11 clears most of the Mackenzie District of the Indian title.

- 1923 - By the Chippewa and Mississauga Agreements most of the uncertainties and doubts left from the activities to extinguish the Indian title along the north shore of Lake Ontario in 1783-84 variously known as the Toronto Purchase, the Carrying Place Purchase, the Crawford Purchases (and, more problematically, as the Gunshot Treaty) are resolved in large part.
- 1925 - Canada's northern boundary is extended to the North Pole.
- 1927 - The Imperial Privy Council settles the Quebec-Labrador boundary dispute; the present boundaries of Quebec and Newfoundland are established.
- 1929-30 - Under the Natural Resources Transfer Agreements - Canada; Manitoba; Alberta; Saskatchewan - game laws in effect in these provinces will apply to Indian people; however, the Indians shall have the right to hunt, fish and trap for food at all seasons of the year on all unoccupied Crown Lands and on private lands to which they have been granted access. The Provinces also agree to set aside, out of unoccupied Crown lands, such further areas as Canada may require to fulfil its Indian treaty obligations.
- 1929-30 - Adhesions to Treaty No. 9 complete its coverage in northern Ontario.
- 1930 - Dominion interest in the "Railway Belt" (a patchwork of blocks extending from the Alberta border to North Vancouver) and the "Peace River Block" (consisting of 3,500,000 acres entirely within the Treaty No. 8 quarter of northeastern British Columbia) is returned to British Columbia on the stipulation that reserves therein "shall continue to be vested in Canada in trust for the Indians."
- 1949 - Newfoundland enters Confederation. The present boundaries of Canada are established. (The boundaries of the Coast of Labrador as defined in the 1927 Privy Council decision are cited as a condition of entry.)
- 1975 - The Government of Quebec effectively discharges its 1912 obligations to effect a surrender of the Indian title to Northern Quebec. The ensuing Agreement with the Grand Council of the Crees and the Northern Quebec Inuit Association is precipitated by the Province's plans for major hydro-electric development on the east coast of James Bay.
- 1978 - The Naskapis of Northeastern Quebec and the Port Burwell Inuit sign complementary agreements to the James Bay and Northern Quebec Agreement.

INDIAN TREATIES* AND GRANTS - 1680-1929

<u>Date</u>	<u>Sovereign</u>	<u>Indian People</u>	<u>Area</u>
1680 - 31 OCT. Vol. 1 - No. 4 1/2, p. 14	Louis XIV	Mohawks	the Sault, Chateaugay P.Q. (Caughnawaga)
* 1725 - 27 JULY	George II	Penobscott	Nova Scotia, New England
* 1728 - 13 MAY	George II	St. Johns, Cape Sables Tribes	Nova Scotia
* 1752 - 22 NOV.	George II	Micmac	Nova Scotia
* 1760 - 23 FEB.	George II	Passamaquody, St. Johns Tribes	Nova Scotia
* 1760 - 10 MAR.	George II	Micmac (Richebuctou)	Nova Scotia
* 1776 - 19 JULY	Massachusetts	Micmac, St. Johns Tribes	Nova Scotia
* 1779 - 22 SEPT.	George III	Micmac	Cape Tormentine to the Bay of Chaleur, New Brunswick
1784 - 22 MAY Vol. 1 - No. 3, p. 5	George III	Mississauga	R. La Tranche & Dog Fish Creek (between L. Ontario & Erie)
1784 - 25 OCT. Vol. 1 - No. 106, p. 251 HALDIMAND	George III	Six Nations	Haldimand Grant (Grand or Ouse R., Ont.)
* 1786 - 15 MAY Vol. 1 - No. 116, p. 272	George III	Ottawa, Chippewa	Anderdon Township, West Sandwich, Lambton County, Ont.

Note: Page references in these Tables are from "Indian Treaties and Surrenders", Vols. 1-3, Ottawa, Queen's Printer, 1905, 1912; reprinted in Coles Canadiana Collection, 1971.

* 1787 - 23 SEPT. Vol. 1 - No. 13 p. 32 GUNSHOT	George III	Mississauga	incomplete (see 1805, 1806, 1923)
* 1790 - 19 MAY	George III	Ottawa, Chippewas, Huron, Pottawatamie	Counties of Kent, Elgin, Middlesex et al., Ont.
* 1792 - 7 DEC. Vol. 1 - No. 3, p. 5	George III	Mississauga	Norfolk, Haldimand Counties et al., Ont.
1793 - 1 APR. Vol. 1 - No. 3 1/2, p. 7	George III	Mohawks	Bay of Quinté, R. Shannon, Bowen's Creek, Ont.
1793 - 14 JAN. Vol. 1 - No. 4, p. 9	George III	Six Nations	R. Ouse (6 miles on each bank), Ont.
1794 - 26 FEB. Vol. 3 - No. 413, p. 259	Jesuits	Hurons	Lorette, Quebec.
* 1796 - 7 SEPT. Vol. 1 - No. 6, p. 17	George III	Chippewa	Escunnisepé (north of R. Thames), Ont.
* 1797 - 21 AUG. Vol. 1 - No. 8, p. 22	George III	Mississauga	head of L. Ontario
* 1798 - 22 MAY Vol. 1 - No. 5, p. 15	George III	Chippewa	Simcoe Country, Penetanguishene, Ont.
* 1798 - 30 JUNE Vol. 1 - No. 11, p. 27	George III	Chippewa	St. Joseph's Island, Ont.
* 1800 - 11 SEPT. Vol. 1 - No. 12, p. 30	George III	Ottawa, Chippewa, Wyandot, Pottawatamie	Huron Church Reserve (s.e. Detroit R.) Ont.
* 1805 - 2 AUG. Vol. 1 - No. 13A, p. 35 GUNSHOT	George III	Mississauga	R. Credit & Etobichoke, Ont. (see 1787, 1806, 1923)

1806 - 6 SEPT. Vol. 1 - No. 14, p. 36 GUNSHOT	George III	Mississauga	R. Etobichoke (Home District of Upper Canada; see 1787, 1805, 1923)
1815 - 18 NOV. Vol. 1 - No. 16, p. 43	George III	Chippewa	Simcoe County, Ont.
1816 - 5 AUG. Vol. 1 - No. 17, p. 45	George III	Mississauga	Thurlow Township (Bay of Quinté), Ont.
1817 - 18 JULY Vol. 1 - No. 124, p. 285	George III	Chippewa, Cree	Red River District, Man.
1818 - 17 OCT. Vol. 1 - No. 18, p. 47	George III	Chippewa	Gray, Wellington, Dufferin, Simcoe Counties, Ont.
1818 - 28 OCT. Vol. 1 - No. 19, p. 47	George III	Mississauga	Peel, Wellington, Dufferin, Halton Counties, Ont.
1818 - 5 NOV. Vol. 1 - No. 20, p. 48	George III	Chippewa	Durham, Hastings Counties, Ont.
1820 - 28 FEB. Vol. 1 - Nos. 22, 23, pp. 50, 53	George III	Mississauga	R. Credit (e. & w. part of Mississauga Reserve), Ont.
1820 - 20 JULY Vol. 1 - No. 24, p. 54	George IV	Mohawks	R. Shannon to Bowen's Creek, Ont. (Bay of Quinté)
1822 - 8 JULY Vol. 1 - No. 25, p. 58	George IV	Chippewa	London & Western Districts (north of R. Thames), Ont.
1822 - 28 NOV. Vol. 1 - No. 27 1/4, p. 63	George IV	Mississauga	Midland & Johnstown Districts, Ont.

* 1827 - 10 JULY Vol. 1 - No. 29, p. 71	George IV	Chippewa	Waterloo, Huron, Middlesex Counties, Ont.
1830 - 19 APR. Vol. 1 - No. 30, p. 76	George IV	Six Nations	County of Wentworth (District of Gore), Ont.
1831 - 19 APR. Vol. 1 - No. 31, p. 79	William IV	Six Nations	County of Haldimand, (District of Niagara), Ont.
1833 - 13 AUG. Vol. 1 - No. 35, p. 88	William IV	Huron or Wyandot	Huron Reserve (Detroit R.), Ont.
1833 - 18 NOV. Vol. 1 - No. 36, p. 89	William IV	Mississauga	Big Island (Bay of Quinté), Ont.
1834 - 5 FEB. Vol. 1 - No. 37, p. 90	William IV	Chippewa	Carradoc Township (s.e. corner of Chippewa Reserve), Ont.
1834 - 8 FEB. Vol. 1 - No. 38, p. 91	William IV	Six Nations	Dunn, Cayuga, Moulton, Canborough Townships, Ont.
1835 - 26 MAR. Vol. 1 - No. 39, p. 94	William IV	Six Nations	Grand R. Tract, Ont.
1835 - 2 APR. Vol. 1 - No. 40, p. 96	William IV	Six Nations	Ouse or Grand R., Ont.
* 1836 - 9 AUG. Vol. 1 - NO. 45, p. 112	William IV	Ottawa, Chippewa (Saugeen)	Manitoulin Island, Ont. (see 1862)
* 1836 - 25 OCT. Vol. 1 - No. 47, p. 115	William IV	Moravian	North side of Thames R., Ont.
1847 - 1 JUNE Vol. 1 - No. 57, p. 136	Victoria	Iroquois	St. Regis, County of Glengarry, Ont.

* 1850 - 7 SEPT. Vol. 1 - No. 60, p. 147 ROBINSON	Victoria	Ojibeway	Lake Superior, Ont.
* 1850 - 9 SEPT. Vol. 1 - No. 61, p. 49 ROBINSON	Victoria	Ojibeway	Lake Huron, Ont.
* 1850 - 29 APRIL	Hudson's Bay Company	Teechamitsa	Vancouver Island, B.C.
* 1850 - 30 APRIL	Hudson's Bay Company	Kosampson	Vancouver Island, B.C.
* 1850 - 30 APRIL	Hudson's Bay Company	Sweng Whung	Vancouver Island, B.C.
* 1850 - 30 APRIL	Hudson's Bay Company	Chilcowitch	Vancouver Island, B.C.
* 1850 - 30 APRIL	Hudson's Bay Company	Whyomilth	Vancouver Island, B.C.
* 1850 - 30 APRIL	Hudson's Bay Company	Che-ko-neim	Vancouver Island, B.C.
* 1850 - 1 MAY	Hudson's Bay Company	Soke	Vancouver Island, B.C.
* 1850 - 1 MAY	Hudson's Bay Company	Kaykyaaken	Vancouver Island, B.C.
* 1850 - 1 MAY	Hudson's Bay Company	Cheaihaytsun	Vancouver Island, B.C.
* 1851 - 8 FEB.	Hudson's Bay Company	Quakeolth	Vancouver Island, B.C.
* 1851 - 8 FEB.	Hudson's Bay Company	Queakar	Vancouver Island, B.C.
* 1852 - 6 FEB.	Hudson's Bay Company	Sanitch	Vancouver Island, B.C.
* 1852 - 11 FEB.	Hudson's Bay Company	Sanitch	Vancouver Island, B.C.

1852 - 17 JUNE Vol. 1 - No. 66, p. 159	Victoria	Chippewa	Township of Orillia, Ont.
1854 - 13 OCT. Vol. 1 - No. 72, p. 195	Victoria	Chippewa	Saugeen & Owen Sound, Ont.
1854 - 23 DEC.	Hudson's Bay Company	Saalequun	Vancouver Island, B.C.
1856 - 4 JULY Vol. 1 - No. 81, p. 212	Victoria	Mohawk	Tyendinaga (Lot No. 4), County of Hastings, Ont. (Bay of Quinté)
1857 - 9 FEB. Vol. 1 - No. 79, p. 208	Victoria	Chippewa, Mohawk	Caughnawaga, Owen Sound, Ont.
1857 - 9 APR. Vol. 1 - No. 83, p. 215	Victoria	Delaware	Moravian Reserve on R. Thames, Ont.
1857 - 21 JULY Vol. 1 - Nos. 85, 86, p. 227	Victoria	Chippewa (Walpole Is.)	"Peach Island" on Detroit R., Ont.
1859 - 10 JUNE Vol. 1 - No. 91B, p. 229	Victoria	Garden River Band	Maskinongé Bay, Partridge Point, Squirrel Island, Ont.
1859 - 11 JUNE Vol. 1 - No. 91C, p. 231	Victoria	Thessalon River	Thessalon R., Ont.
1862 - 6 OCT. Vol. 1 - No. 94, p. 235, MANITOULIN IS.	Victoria	Ottawa, Chippewa	Great Manitoulin Island (see 1836), Ont.
1868 - 4 JULY Vol. 1 - No. 114, p. 269	Victoria	Abenakis	St. Francis Reserve, Yamaska County, P.Q.

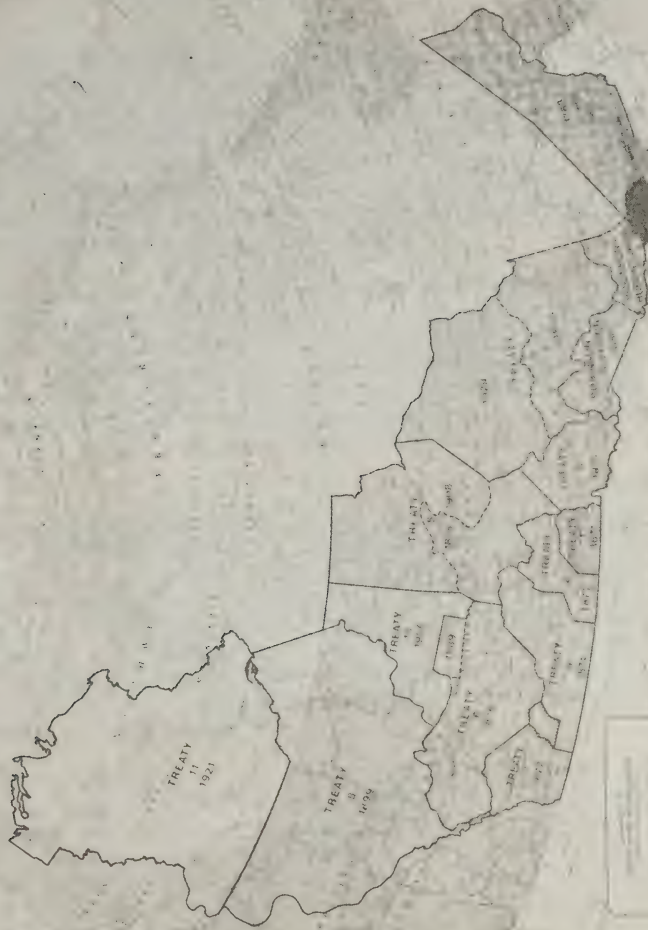
	1871 - 24 APR. Vol. I - No. 123, p. 281	Victoria	Micmac	Buctouche Reserve, N.B. (surrender)
*	No. 1 1871 - 3 AUG. Vol. I - No. 124, p. 282 STONEFORT	Victoria	Chippewa, Swampy Cree	southern Manitoba
*	No. 2 1871 - 21 AUG. Vol. I - No. 125, p. 291 MANITOBA POST	Victoria	Chippewa	central & s.w. Manitoba, s.e. Saskatchewan
*	No. 3 1873 - 3 OCT. Vol. I - No. 131, 132, p. 303 NORTHWEST ANGLE	Victoria	Ojibeway (Saulteaux)	n.w. Ontario, s.e. Manitoba
*	No. 4 1874 - 15 SEPT. Vol. I - No. 135, p. 313, QU'APPELLE	Victoria	Cree, Saulteaux	southern Saskatchewan
	1874 - 25 NOV. Vol. II - No. 140, p. 1	Victoria	Garden River Band	Garden River Reserve, St. Mary's R., Ont.
	1875 - 17 JUNE Vol. II - No. 144, p. 7	Victoria	Chippewa, Pottowatami (Walpole Island)	Squirrel Island, St. Clair R. & L., Ont.
*	No. 5 1875 - 20 SEPT. Vol. II - No. 149A, p. 16 LAKE WINNIPEG	Victoria	Saulteaux, Swampy Cree	central Manitoba, n.w. Ontario
*	No. 6 1876 - 23 AUG. 28 AUG. 9 SEPT. Vol. II - No. 157A, p. 35, FORT CARLTON, FORT PITT.	Victoria	Plain, Wood Cree	central Alberta, central Saskatchewan

* No. 7 1877 - 22 SEPT. Vol. II - No. 163, p. 56 BLACKFOOT	Victoria	Blackfoot, Blood, Peigan, Sarcee, Stony	southern Alberta
* 1883 - 20 JUNE Vol. II - No. 202, p. 130	Victoria	Blood	NWT: St. Mary's & Belly R., Fourth Principal Meridian
1877 - 9 NOV. Vol. II - No. 241, p. 206	Victoria	Iroquois	Caughnawaga, P.Q.
* 1889 - 11 FEB. No. 6 Adhesion	Victoria	Wood Cree	Lac la Ronge, Doré and Montreal Lake environs (Sask.)
* No. 8 1899 - 21 JUNE Vol. III - No. 428, p. 290	Victoria	Cree, Beaver, Chipewyan	northern Alberta, n.e. B.C., NWT south of Great Slave Lake, n.w. Saskatchewan
* No. 9 1905 - 12 JULY	Edward VII	Cree, Ojibeway	part of Ontario north of the height of land to the Albany River
* No. 10 1906 - 28 AUG.	Edward VII	Chipewyan, Cree	northern Saskatchewan
* 1908 - 26 JUNE No. 5 Adhesion	Edward VII	Cree, Chipewyan	northern Manitoba
* No. 11 1921 - 27 JUNE	George V	Slave, Dogrib Loucheaux, Hare	NWT north of Great Slave Lake
* 1923 - 31 OCT.	George V	Chippewa	southern & central Ontario (L. Ontario to Georgian Bay) (see 1787, 1805, 1806)
* 1923 - 15 NOV.	George V	Mississauga	same as above
* 1929 - 5 JULY No. 9 Adhesion	George V	Ojibeway, Cree	northern Ontario

[illegible]

INDIAN TREATIES

- LEGEND
- TREATY 1, 1870
 - TREATY 2, 1880
 - TREATY 3, 1876
 - TREATY 4, 1876
 - TREATY 5, 1876
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 - TREATY 100, 1876



CANADA

INDIAN TREATIES IN HISTORICAL PERSPECTIVE

INTRODUCTION

The premise on which the British occupation of what is now Canada is said to be based is that absolute title to the land was vested in the Crown - this paramount estate becoming a plenum dominium (full power to dispose of property at will) whenever the Indian title was surrendered or otherwise extinguished. The French, on the other hand, did not subscribe to the principle of an Indian or aboriginal title but rather, on acquiring the land, accepted a responsibility for the religious welfare of the indigenous peoples; Indian social affairs were attended to by the ecclesiastics.

An aboriginal title* can be interpreted not as a clear land title to a fixed occupational site but as the territorial range rights of an identifiable nomadic group over a wide but definable area for food-gathering, hunting, fishing and trapping. The idea that a nomadic existence equates with the principle of an aboriginal title is quite valid where it can be shown that this territorial imperative is maintained by force of arms, agreement or lack of serious competition, and this way of life can quite legitimately be referred to as "ancient" or "traditional".

At this point, however, cognizance should be taken of several divergences set in motion by the various occupying European powers fairly late in historical times which completely changed the ancient or traditional ways of most Indians and irrevocably modified those of the remainder. Prior to the various occupations, the traditional Indian ways in what is now Canada ranged from the conspicuous consumption of the Pacific coastal peoples, through the marginal subsistence levels of those in the north-central region to the ample subsistence provided the inhabitants of the eastern woodlands by the chase and the produce of their village plots.

The most dramatic change was, of course, the conversion of the Plains Indians to the horse culture. At least equal in impact was the emphasis placed by the early French and British entrepreneurs on the fur trade which, to provide the profits expected, wholly depended on a re-direction of Indian pursuits to the primary production (on a massive scale) of hides and furs for the world market. At this stage, at least for the French and the English, the wide-ranging nomadic Indian was a necessity.

* "Aboriginal title" has not been defined in Canadian, British, nor International law. The Judicial Committee of the Privy Council in St. Catherine's Milling and Lumber Company v. The Queen (1888) 14 App. Cas. 54, 58 described the tenure of the Indians as a "personal and usufructuary right, dependent upon the good will of the Sovereign"; as a "mere burden" upon the Crown's "proprietary estate in the land."

In other quarters, however, the fur trade was not the be-all and end-all of the new land's potential. The dilemmas which are manifest to this day were early evidenced and the Indian people, already subject to dislocations and relocations beyond their control, were inevitably caught up in the resultant conflicts - to nurture the fur trade; to open the country to settlement and development; to support and protect the Indian people; to maintain effective trading facilities and, above all, to uphold law, peace and good order.

These problems were resolved for the French Sovereign by the conquest of 1759. For the British, the existing dilemmas were not only becoming more apparent but paradoxes were gestating which would make the half-century between 1763 and 1814 most portentous for the future of the Indian people who found themselves under the suzerainty of the British sovereign.

HISTORICAL BACKGROUND

In 1713, by the Treaty of Utrecht, France ceded Acadia (excepting Cape Breton Island) to Great Britain, recognized the British Sovereign's suzerainty over the Iroquois people, relinquished all claims to Newfoundland, and recognized British rights to Rupert's Land. When the Charter for exploitation of Rupert's Land was granted by Charles II to the Hudson's Bay Company in 1670, it is doubtful that even the claimants were aware of the vast territory involved - all the land draining into Hudson Bay from Baffin Island on the northeast to the headwaters of the Saskatchewan in the southwest. For the next century and a quarter the western boundaries of Rupert's Land were to remain the firmest delineation of British America's western extent.

By the Peace of Paris, 1763, France ceded all her North American possessions to Great Britain, with the exception of St. Pierre and Miquelon Islands (which she retained) and Louisiana (which she ceded to Spain). In the spring of that year the crystallization of Indian misgivings gained expression through the activities of Chief Pontiac, although particular provisions in the Royal Proclamation concerning the protection of Indian-occupied lands were designed to allay such fears. The Royal Proclamation of 1763 did indeed define lands which were to remain, at the Sovereign's pleasure, with the Indians as their hunting grounds, but Rupert's Land and the old colony of Quebec were specifically exempted. In what was to become Canada, the hunting grounds in the east comprised a relatively narrow strip between the northern bounds of Quebec and Rupert's Land, along with all of what was to become Upper Canada; in the northwest, an amorphous area bounded by Rupert's Land, the Beaufort Sea, and the Russian and Spanish claims to the west and south.

In 1769, St. John's Island (renamed Prince Edward Island in 1798) became a separate government.

By the Quebec Act, 1774, in what has been described as a statutory repudiation of Royal Proclamation policy, Quebec's boundaries were extended to encompass all the land described in the preceding paragraph as the eastern Indian hunting grounds.

With the Revolutionary War of 1775 to 1783 the emphasis in the colonies of Nova Scotia and Quebec changed irrevocably to settlement, development, lumbering, fishing and trade; dissolution of the two hundred-year-old partnership between Indian and fur trader was well on the way. The most immediate effect was a 50% increase in population in the two colonies occasioned by the influx of United Empire Loyalists who were, primarily, interested in farming, homesteading and business. These were followed, particularly in Upper Canada after 1791, by a steady stream of settlers with like interests from the south. They brought with them the desire for peace, law, good order and the other concomitants of settled living.

The Treaty of Paris, 1783, established the boundary from the Atlantic to the Lake of the Woods. At one stroke Canada lost the entire southwestern half of the vast inland domain which French and British adventurers had discovered, explored and exploited with the help of the Indian people. Along with it went that portion of the Indian hunting grounds, established in 1763, bounded by the Great Lakes and the Ohio and Mississippi Rivers. A natural point of departure for the future boundary at the 49th parallel of latitude was also ensured. The inevitable dissension with the Indian people which followed, however, was reaped by the United States rather than Great Britain.

In 1784, as a result of the large-scale influx of United Empire Loyalists into the St. John River area the year before, New Brunswick was separated from Nova Scotia. Cape Breton Island also became a separate entity.

By the Constitutional (or Canada) Act of 1791 the Imperial Parliament divided Quebec into the provinces of Upper Canada and Lower Canada, abolished the conciliar form of government which had existed in Quebec for two centuries and established representative government in both provinces. Land was to be granted in freehold tenure in Upper Canada and could be so granted in Lower Canada, if desired.

In 1796, by the Jay Treaty, the fur-trading posts of Niagara, Detroit, Michilimackinac and Grand Portage - which were still in British hands - were handed over to the United States in accordance with the boundary provisions agreed to in 1783. In order to facilitate what remained of the fur trade, an article in the Jay Treaty provided for the free passage of Indian trappers back and forth across the boundary with "their ordinary goods and peltries"; it is on this provision that the present Iroquois claim duty-free passage across the international boundary.

In 1803, by the Louisiana Purchase, the United States acquired that vast, vaguely-defined territory west of the Mississippi which had been ceded back to France by Spain in 1800. The consequent push westward, and the inevitable rivalries arising, would once again raise the contentious question of the boundary between British America and the United States.

On the Pacific coast the leading protagonists changed over the course of time from Russia, Britain and Spain to Russia, Britain and the United States, but it was not from the sea that this contest was to be settled. Indeed, Captain Cook had made his landfall at Nootka Sound in 1778, but the traders who followed him lost their vessels and furs to the Spanish who were engaged in a last endeavour to enforce their claims to the northwest coast. In 1791, Captain George Vancouver arrived to acknowledge, officially, restoration of British rights after the Nootka Convention; concurrently, the Russians were pushing down from the north, following the seal and sea otter.

The only firm and lasting links with the Pacific coast, however, would have to be by land and these were provided through: Alexander Mackenzie in 1793 by way of the Peace River canyon to Dean Channel; Simon Fraser in 1808 by the tumultuous river which bears his name; David Thompson in 1811 down the Columbia to its mouth. These Canadian Scots were all members of the North West Company and rivals, not only of the Spanish, Russians and Americans, but of the Hudson's Bay Company. The chain of discovery and exploration whose initial links were forged in the quest for furs along the Atlantic coast over the preceding two centuries was complete from ocean to ocean - all in the name of the fur trade. In each instance, the ubiquitous Scot was accompanied, guided and sustained by Indian companions.

For the United States, Lewis and Clarke had, of course, paced the Canadians, reaching the Columbia in 1805 and John Jacob Astor established the western headquarters of his fur company at the mouth of the Columbia in 1810.

In 1809, by the Labrador Act, Anticosti Island and the coast of Labrador from the St. Jean River to Hudson Strait were transferred from Lower Canada to Newfoundland. Not even the eastern provinces, however, were to be allowed to engage in such peaceful organizational exercises much longer. The improvement in relations which the Jay Treaty appeared to herald had not resolved the border ambiguities at the centre of the continent and the animosities of the Revolutionary War were by no means exhausted.

The outbreak of war in 1812 saw half a million British Americans (of whom less than five thousand were regular troops) confronted by a population of eight millions in the United States. Great Britain was not only at war with the United States, but had her strength committed to the struggle with Napoleon. Through a combination of dogged determination on the part of the British Americans (aided by several hundred Indians under Chief Tecumseh) in throwing back invasion forces and ineffective planning on the part of the enemy, Canada managed to hold out until the defeat of Napoleon in 1814 allowed Britain to bring all her forces to bear in America. Having thus gained the initiative in no uncertain manner, it is hard to understand why the British did not seek more equitable boundary terms by the Treaty of Ghent in 1814, but both parties appeared content to settle the controversy through a mutual return of conquered territories. Thus were Canadian interests sacrificed to ensure American cordiality.

The United States considered the Jay Treaty of 1796 to be abrogated by the War of 1812-14, but the Convention of 1818 settled the outstanding boundary matters by confirming the border to the Lake of the Woods and extending it along the 49th parallel to the Rocky Mountains. The Treaty of Ghent reinstated the provisions of the Jay Treaty affecting Indian people but, as the conditions of the former were not considered to be self-executing, it became the individual responsibility of each of the governments concerned to give effect to the relevant provisions by appropriate legislation.

In terminating the international boundary at the Rocky Mountains, the Convention of 1818 left one major area subject to contention with the growing neighbour to the south - the so-called Oregon Territory, roughly half in and half out, jointly occupied by Britain and the United States. The first large-scale movement of American settlers into Oregon in 1842 naturally created a clamour for annexation to the United States. Fortunately, the contention was resolved through the Treaty of Washington in 1846 by which the boundary was continued to the sea along the 49th parallel and Vancouver Island confirmed as a British possession. With the agreement of 1825 between Britain and Russia on a description of the Alaska boundary, to all intents and purposes Canada's external boundaries now were fixed and her attention could be concentrated on consolidation.

TREATY ACTIVITY EAST TO WEST

NEWFOUNDLAND

It is perhaps fitting that this section on negotiations and agreements with the Indians of Canada should begin, in reasonable detail, with those first encountered (in all likelihood) by the Viking adventurers at the end of the first millenium A.D., and by John Cabot midway through the second.

Newfoundland was claimed by Cabot in 1497 for his Sovereign, King Henry VII, and is spoken of as the first of England's overseas colonies. Eighty-six years later, in 1583, Sir Humphrey Gilbert reaffirmed England's suzerainty in the name of Queen Elizabeth and established at St. John's what is said to be England's first colonial government abroad. Until the Treaty of Utrecht acknowledged sole possession by Britain in 1713, however, Albion's hold on the island outpost was tenuous at best.

It was very likely that Basque fishermen were cropping cod off the Grand Banks at the time Cabot was making his claim. The Basques were soon joined by Bretons, Spaniards, Portuguese and men from Devon and Normandy. The major difference between them (which probably gave an early, but fleeting, semblance of proprietorship) was the English practice of sun-curing their catch on the beaches. Having copious home supplies of salt, the others at first preferred to green-pack their catches aboard. As sun-curing produced a more widely-marketable product, it wasn't long before all were competing for beach space.

Government in general (and justice in particular) was understandably rough and ready under such circumstances; a semblance of order was maintained for specific intervals by a fishing fleet, "Admiral", selected from captains representing half a dozen nations. Punishments meted out, according to sea-going customs of the times, were harsh and summary. Even so, the first contact between Beothuk and English administrator was amicable and included the inevitable giving of presents.

The Beothuks immediately recognized the superiority of iron over stone, and net-twine over animal sinews and plant fibres. They found it harder to understand why such prodigious quantities of fish were required, or why the rough fishermen were less appreciative of their visits than the British administrators. What they couldn't obtain as presents they began to acquire by pilfering the stocks and stores of the beach camps. Summary justice having been what it was, it wasn't long before the fishermen were shooting the

Beothuks on sight. Thereafter, the Indians avoided all Europeans (including the administrators) as best they could but continued taking whatever they found portable in hit-and-run raids on the curing beaches. In the fishermen's eyes the Indians were of no use. Exasperation ran high and, after an incident which resulted in loss of life to members of a French party, the French waged an all-out effort to hunt down and annihilate every remaining Beothuk on the island. (Although some early historical accounts hold that the French armed Micmac Indians from the mainland and set a bounty on the aboriginals, contemporary sources discount that theory for lack of supportive evidence. Whatever the case, most writings indicate that both French and British hunting parties were equally responsible for indiscriminate Beothuk slaughters.)

Throughout their tenure, the British administrators made sporadic attempts to contact the aboriginals but, as a hunted remnant, flight for the Beothuk had become second nature and they ran for the woods at the first sign of a stranger. In addition, Beothuk numbers had fallen far below the critical levels for population survival and contact became increasingly a matter of mere chance.

Most of our direct knowledge of this tragic race comes from Shanawdithit, the last of the Beothuks, who was captured in 1823 along with her mother and sister; her father had drowned in attempting to evade the captors; the women were exhausted by starvation and couldn't flee. At that time, according to Shanawdithit, the total Beothuk population of Newfoundland was thirteen individuals. The three women were well-treated and were made free to come and go as they pleased; however, the mother and sister died in Twillingate within the year. Shanawdithit lived in the households of several British administrators and, over the next six years, provided many drawings illustrating her people's culture. Having quickly gained a working knowledge of English, she filled in the existing gaps in European knowledge of the Beothuk language which was found to have little connection with any mainland tongue. Indeed, the ethnic connection seems just as tenuous. Shanawdithit died of tuberculosis in St. John's hospital on 6 June 1829 at the age of twenty-nine. After her death, no further contact with the Beothuk people was ever recorded.

For some reason British adherence to the principle of an "aboriginal title" did not apply insofar as the Beothuk people were concerned; in dealing with them treaty activity was never a consideration. There are Montagnais and Naskapi Indians, and Inuit people, resident along the Coast of Labrador. Although no endeavour was made to extinguish their aboriginal title prior to Newfoundland's entry into Confederation in 1949, the Canadian Government has provided funds to the native peoples of Newfoundland to investigate claims related to land use and occupancy.

ACADIA

Although its borders were as vague as any of the time, there is little doubt that, by late in the seventeenth century, Acadia was a long-settled part of New France; certainly, what are now Cape Breton Island, mainland Nova Scotia, Prince Edward Island and New Brunswick were then under the dominion of the French Sovereign. By the Treaty of Utrecht in 1713, France ceded Nova Scotia to Great Britain. What is now New Brunswick remained in dispute, while Cape Breton Island and Prince Edward Island were retained by France.

By the Peace of Paris in 1763, of course, all came into British hands along with the old colony of Quebec. In the Proclamation of 1763 the question of aboriginal title has been taken to equate with those lands "reserved for Indian use" and it has been claimed that because the Maritimes were not specifically exempted, as was Quebec, the aboriginal title has never been extinguished.

On the other hand, the rationale by which Quebec was exempted is that because the French occupation did not rest on the recognition of an aboriginal title, and because the land had been ceded to Britain by France under the Peace of 1763, all claims were extinguished. This argument is probably at least as valid concerning Acadia. As exemplified heretofore in the case of Newfoundland, the matter of the aboriginal title serves to confuse as many issues as it clarifies. However, one might argue that if the native residents of any particular part of Canada have, or had, an aboriginal title, then so had, or have, the native residents of any other part.

PRINCE EDWARD ISLAND

The fur trade was never a significant feature of economic development in Prince Edward Island. To the beginning of the French era, the Micmacs had used it and Isle Royale (Cape Breton Island) merely as summer camping grounds. When it was granted (as Isle St. Jean) by the French Sovereign to the Comte de Saint-Pierre in 1719, it was practically devoid of exploitable animal life. In time the trees were cut down, the young men left the sea, and the rich soil was devoted to agriculture.

Immigration to Isle St. Jean began in 1728 with seventy-six Acadian families who wished to settle on French territory. The few Indians who resided there year round had little interest in mainland affairs. At the end of the French Régime in 1763, most of the Acadian settlers on Isle St. Jean returned to France, while some relocated in Nova Scotia or Quebec. Isle St. Jean was then placed under the Government of Nova Scotia; the island was separated from Nova Scotia in 1769 and renamed Prince Edward Island in 1798.

Treaty activity, such as it was, was conducted to ensure Indian assistance or neutrality, as may be illustrated in the following quotation from Governor Cornwallis of Nova Scotia to the Lords of Trade in 1749: "The St. John's Indians I made peace with ... a warlike people ... treaties with Indians are nothing. Nothing but force will prevail." Prince Edward Island came into Confederation in 1873 and since that time the Government of Canada has not conducted treaty activities with the Micmac Indians, either on its own or in concert with the Provincial Government.

NOVA SCOTIA

When French fishermen adopted the beach-drying process used by the English to cure cod, their greatest need was for extensive reaches safe from their rivals. Many turned to the beaches of Nova Scotia and Cape Breton Island. In so doing they were exposed to the Micmac Indians who were master trappers and curers of pelts. In view of the number of furs available, the French turned more and more to this profitable sideline; some, no doubt, decided to make the fur trade their major endeavour before the French monopolies came into being.

Even after the monopolies were in existence, fur-trading in Nova Scotia allowed more scope for the individual than in Quebec. From the start however, the colony had quite a varied economy; this was probably due to the haphazard and disconnected way in which settlement developed. In time, as the forests were depleted and the fur trade diminished, the varied nature of the economy became even more evident; eventually the principal emphasis came to be on fishing, ships and trade routes. In none of these latter activities had the Indians of Nova Scotia any appreciable part.

Population expansion was a relatively early manifestation in Nova Scotia and few of the incoming people looked to the Indian residents as partners in the development of the peninsula. The contributing elements were returning Acadians, pre-Revolutionary new Englanders, the United Empire Loyalists, small groups of British and other cohesive units such as the Lunenburg Germans. The Scots started to arrive in some numbers at the time of the Peace of Amiens (1802). During the course of some twenty years after the Battle of Waterloo (1815) roughly 20,000 Highlanders and Western Islanders arrived to populate northeast Nova Scotia, Cape Breton and Prince Edward Island. With the end of the Scottish movement, large-scale immigration to the area ceased.

As presently constituted, Nova Scotia's boundaries were fixed by the inclusion of Cape Breton Island in 1820. The province entered Confederation as a founding member in 1867.

Significantly, the principal treaty activity in Nova Scotia pre-dated the major period of immigration by several decades (the last important activity taking place in 1779). In the present instance the chronology of events establishes that this was more accident than design. The Maritime treaties stressed mutual peace and friendship, the objective to ensure the assistance or neutrality of the Indian people. Provision was invariably made for the trade in Indian hides and furs; and mention was usually made that the Indian people were not to be disturbed in their normal pursuits of hunting and fishing. With the major influx of settlers, however, change was inevitable and the contribution the Indians were able to make was irrevocably curtailed.

NEW BRUNSWICK

In the summer of 1534 Jacques Cartier, the Breton master-navigator, followed the north shore of New Brunswick to his landfall on the Gaspé peninsula. The deep forests northwest of the Bay of Fundy appeared however, to discourage the early fur traders; after an unsuccessful attempt to establish a trading centre on an island at the mouth of the St. Croix River, the Huguenot, Sieur de Monts, transferred his fur-trading headquarters back to the St. Lawrence in 1608.

The purposeful vagueness by which the boundaries of Acadia were defined in the Treaty of Utrecht (1713) left New Brunswick in a politically ambiguous position which lasted for nearly half a century. The situation was further complicated by the fact that neither the French nor the British were represented there in any appreciable numbers. In 1749 the matter became one of confrontation when the French erected Fort Beauséjour on the New Brunswick side of what was to become the provincial boundary and the British countered with Fort Lawrence on the Nova Scotia side. The impasse was resolved by the surrender of Fort Beauséjour to the British in 1755 and Nova Scotia's subsequent absorption of Acadia's remnants after the Peace of Paris in 1763.

During the hostilities, the indifference accorded New Brunswick's potential by the French and British overlords had not been shared by the British-American soldiers who had entered the area from the New England seaboard. Ostensibly, settlement from New England was to have been geared to the taking up of homesteads left by the expelled Acadians; however, it was not long before dissension arose all along the St. John River among established settlers, the half-pay soldiers and ordinary immigrants from New England. Although these matters were eventually resolved (at least to the satisfaction of the administrators) the Indian residents were soon complaining to the authorities in Halifax that the settlers were killing their game and that game not killed was being driven away. The Indians were appeased by presents and persuasion, the Governor having promised to restrain the settlers from hunting wild animals in the woods.

In the years immediately before and after the Royal Proclamation of 1763, settlement along the banks of the St. John was at times little more than a land-grab. The Indian residents were naturally hostile to the increased activity; the authorities viewed the situation with mixed feelings and uncertain loyalties. While there may be a question as to whether or not the "Indian hunting grounds" provisions of the Royal Proclamation applied to Nova Scotia (then including New Brunswick) the settlers and entrepreneurs certainly acted as if these had no bearing. Moreover, the rapid increase of settlement along the St. John from United Empire Loyalists after the Revolutionary War muffled what remained of the Indian hostility. Native protests were lost in the clamour of increasing development and virtually were stilled by the creation of the Province in 1784.

For a time some of the settlers endeavoured to combine the incompatible activities of timber-cutting, farming, fishing and the fur trade; however, the most obvious resource was timber and as attention came to be focused on the fine stands of pine it appeared the province was destined to become one vast lumber camp. After the War of 1812-14, lumbering along the St. John and in the valleys of the Miramichi and the Restigouche had completely supplanted the fur trade. With the passing of the latter, the value of the Indian as a substantial developmental factor in the Province's economy was also reduced.

As was the case throughout the Maritimes (excepting Newfoundland) treaty activity concerning New Brunswick was mainly of the Peace and Friendship variety, designed to ensure the assistance or neutrality of the Indian people. The question of an aboriginal title does not seem to have been at issue. In any event, there is no documentary indication that any endeavour was made to deal with the matter either before New Brunswick entered Confederation (1867) or after.

QUEBEC

During his first voyage of exploration and discovery up the St. Lawrence in 1535-6, Jacques Cartier visited the Iroquoian villages of Stadacona (Quebec) and Hochelaga (Montreal). Under Sieur de Roberval, he participated in the first unsuccessful attempt to establish a colony in that area between the years 1541-3. Partly because of misunderstandings arising from Indian anxiety to obtain European tools and utensils of metal, Cartier had quarrelled with the native people during the winter of 1541-2; with almost prescient dread of their hostility, he withdrew from the venture and returned to France. After an auspicious beginning, this experience was a portent of the bitter enmity which was to develop between the French and the Iroquois peoples.

At the time, Cartier believed that the Indian people had little to exchange for the goods they found to be so superior to theirs of stone, hide, bark, bone and wood. Sparked initially by the dictates of fashion concerning fur-felt, however, the demand for high-quality furs (particularly beaver) from the St. Lawrence area had so increased by the end of the century that the French decided only a state-supervised monopoly could effectively control the supply. As the Sovereign expected the monopolists to defend their investment (and themselves) by their own endeavours, it was concluded that colonists brought out by the monopolists would provide the most enduring protection.

Under Sieur de Monts, Samuel Champlain contributed his many talents to the establishment of the monopoly bases in Acadia; however, Champlain's potential was not put to full use until the centre of the fur trade was transferred, under his local direction, back to the St. Lawrence in 1608.

During the half-century between Cartier's departure and Champlain's arrival the Iroquoian residents of Stadacona and Hochelaga (first encountered by Cartier) had been supplanted by nomadic Algonkian hunters from the north. The Huron branch of the Iroquoian peoples was established in the lands to the south and southeast of Georgian Bay. The Five Nations of the Iroquois were strategically located in what is now northern New York State, particularly in the valley of the Mohawk River. Although they were of the same ancestral stock, a cleavage had developed between the Hurons and the Five Nations and they were implacable enemies.

From the start Champlain's relations with the Montagnais and Abenakis ranging the St. Lawrence and Ottawa valleys were good and it wasn't long before Indian cooperation in providing furs had subtly changed to a dependency on the Europeans for metal-wares, cloth, some foodstuffs and, ultimately, firearms. Of course, the French depended at least as much on the Indians, not only for furs, but for vital wilderness expertise. The enterprising Hurons were quick to complete the chain, as middlemen, in getting furs from the interior to the Ottawa and St. Lawrence Rivers.

It was, perhaps, inevitable that Champlain would have to interest himself in the political affairs of his Indian partners, if only to show his good faith; but it was also unfortunate in that the common foe of all his allies happened to be the quick-witted and industrious Iroquois of the Five Nations. The die was cast at sunrise on a day in July 1609 when he participated in one of the regular confrontations between the opposing groups which, up to that point, had been conducted on highly-ritualized lines.

Champlain, along with several of his compatriots, had accompanied a war party of sixty Montagnais into Iroquois territory. Travelling along the shores of Lake Champlain at night, they met a group of Iroquois warriors and the Montagnais arranged a formal encounter for the following morning. The engagement is best described from Champlain's own writings: "...My Frenchmen were concealed in separate canoes belonging to the Montagnais. After equipping ourselves in light armour, each of us seized an arquebus and went ashore. Leaving their barricade, the enemy, numbering about two hundred strong and robust men, came toward us with gravity and assurance that greatly pleased me. Our Indians told me that those who carried the lofty plumes were the Chiefs and that I should do all I could to kill them. I promised to do my best ... When I saw them preparing to shoot their arrows at us, I raised my arquebus and aiming directly at one of the Chiefs, fired; two of them fell dead at this shot, and one of their companions received a wound of which he afterwards died. I had put four balls in my arquebus ... The Iroquois were greatly surprised at seeing two of their men killed so suddenly ... Whilst I was reloading, one of my companions fired a shot, which so astonished them anew that, seeing their leaders slain ... they ... fled into the forest; whither I pursued them and killed some others ..." The following year saw another such encounter at the mouth of the Richelieu with much the same results, but in which the survivors were cut down instead of being allowed to retire as had been the custom.

These encounters not only upset the balance - temporarily in favour of the Algonkian peoples - but served to establish certain principles which were to hold from 1610 to the end of the century. The rules of Indian warfare were irrevocably changed. The combined role of the Indian as fur supplier and mercenary warrior was set. Fatefully, the Dutch had founded their colony on the Hudson River in the very year of Champlain's second successful skirmish with the Iroquois of the Mohawk and Hudson valleys. It took the Iroquois no time to learn the lesson of powder and shot and they immediately sought the Dutch as allies and suppliers of the lethal weapons. This alliance automatically transferred to the English as successors to the Dutch. As middlemen in the fur trade the Iroquois were without peer; due to their inherent organizational talents, as mercenary warriors armed with the new weapons, they had little need of European raid captains; with vengeance an integral element of their philosophy, there was no need to spur them on. In consequence, an inordinate quantity of French furs found their way to the Dutch and English merchants of the Hudson valley.

After they had experienced the rewards of the fur trade, the people of the Five Nations became as dependent on the metal-wares and weapons of the Europeans as had the native allies of the French. The contest between the French and the people of the Five nations was actually for control, first of the fur trade and, secondly, of the St. Lawrence supply route. It was only a short portage from the head of the Mohawk River to Lake Ontario; from their heartland the waterways of Lake Champlain and the Richelieu River provided the Iroquois direct access to the St. Lawrence. From the first they thwarted the French plan of having the Hurons and Ottawas transport the furs provided by the Indians of the interior to the St. Lawrence. The Five Nations counter was simply to eliminate the competition and to divert the furs to the Hudson River merchants who, unencumbered by the niceties of state monopoly and the problems of organization or transportation, could provide a higher rate per skin in better quality trade goods.

It is unlikely that the Five Nations could have raised more than four thousand fighting men even at the peak of their influence yet, at times, their activities practically brought those of the French to a standstill. Due to their ferocious battle style, Iroquois losses were unusually high but custom permitted the induction of prisoners (including Europeans) as replacements; even so, warrior numbers steadily diminished over the years.

In 1615 Champlain agreed to assist his Indian allies in a concerted plan to destroy the Iroquois heartland stronghold at Onondaga and, hopefully, to nullify the Five Nations threat for all time. The Andastes (from the Susquehannah River Valley) failed to link up with the Hurons, however; the latter failed to smash the stronghold; Champlain was wounded, and the Five Nations were left with a score to settle.

By the late 1640's the Iroquois of the Five Nations had destroyed the Algonkins of the Ottawa valley, scattered the remnants, and had launched their major campaign against the Hurons. The ruin and dispersal of the Huron nation was completed in the spring of 1649, and a kindred people to the south and east, the Neutrals, immediately followed the same path to destruction. The Five Nations attacked and annihilated the Eries in 1655 and then turned on the Andastes. The latter group finally succumbed in 1676 and their remnants were absorbed into the Seneca Nation. The main representatives of the southern Algonkians, the Lenapes, were also subdued during this period. Of these peoples, the Hurons, the Neutrals, the Eries, and the Andastes were of Iroquoian stock.

All this time the Iroquois continued to compete with the French. Their influence was felt from Albany to Lake Michigan and from Tadoussac to Hudson Bay. For a half-century the Five Nations of the Iroquois were actually at war with the French state and her Indian allies; the Dutch and the English did little more than provide arms and encouragement (it should be borne in mind that the English did not take over from the Dutch in the Hudson valley until 1674). Although victorious in the field, by the 1660's the Iroquois fighting force (including inducted enemy prisoners) was reduced by more than half.

In 1665 the experienced and professional regiment, the "Carignan-Salières" under the Marquis de Tracy, arrived in New France. In 1666 de Tracy led a mixed force of soldiers, habitants and Indian allies into the Five Nations heartland. The Iroquois warriors, melting into the woods ahead of their enemies, generally refused direct confrontation; however, the invading force destroyed their crops and stores, burned out the villages and stockades and laid the country to waste. The results were two-fold: the historic pallisaded Iroquois villages were not rebuilt; the French obtained a twenty-year peace. While the peace curtailed large-scale armed activity on the part of the Iroquois, it did not hinder their fur-trading penchant or entirely inhibit their raiding proclivities.

At an earlier date the French authorities had considered trying to effect a reconciliation between the Hurons and the Five Nations; however, it was felt if this took place the Iroquois would merely lead the Hurons to trade with the Dutch. The ecclesiastics, on the other hand, felt that if they could convert the Iroquois of the Five Nations to Catholicism the warriors would not only be brought to Godliness but could be weaned away from the Dutch and English traders. Having been unable to carry their religion effectively into the Five Nations heartland, they decided to settle as many converts as they could under their charge in New France; in this way those who were to become the Iroquois of Caughnawaga were established on the St. Lawrence in 1667. The Caughnawaga converts initially were won over to the French cause and participated extensively in raids against the British in New York and elsewhere in New England. They were represented in various forays against Albany, at Schenectady in 1690, and at Deerfield in 1704; they counted themselves out of the Haverhill raid in 1708, but took part in the extinction of the British garrison at Fort William Henry in 1757.

Naturally there was a strong disinclination on the part of the Caughnawaga people to participate in actions which might involve their relatives from the Mohawk valley, and this hesitancy became most pronounced in the 1750's. They also showed a preference to trade through Albany where fur prices were higher and the quality of trade goods better; in many instances they were joined in this endeavour by French trappers. Among the practices they brought with them to the Mission settlement was that of adopting prisoners, and their numbers were soon swelled with English, Dutch and German inductees from the Hudson valley and elsewhere in New England. The Caughnawaga people, at different times, experienced all the apparent advantages (and obvious disadvantages) to which the Indian people of Canada were exposed during their interaction with Europeans. They were exhorted to be good Christians, and mercenary warriors; they were expected to participate in the fur trade, but were reviled if they traded where prices were best; they were adjured to temperance by the clerics, but coaxed to trade their furs for brandy. In the end, it was they who guided the British conquerors to Montreal in 1760.

With the destruction of the Hurons in 1649 the French entrepreneurs decided to dispense with middlemen and to seek the furs at source themselves. The voyageur and the coureur de bois thus came into their own and the wheel had turned inexorably in favour of the fur trade. To this end new transportation routes were explored, forts were established to ensure orderly delivery without Iroquois interference and new territory explored as older sources of supply dried up.

The fate of the old colony on the St. Lawrence had been decided. The fur trade was hostile to settlement. Given a choice, the young men preferred the profit, freedom and excitement of the woods to the drudgery of the seigneurie, so much so that, eventually, even the law couldn't keep them on the land. While the Church distrusted the freedom of the woods, there were Indian souls to be saved in the hinterland and brave clerics preferred the rigours of such duty to those of a St. Lawrence parish. Even when the fur monopolists paid service to their obligation and brought out colonists, the call of the wilds was practically the first sound the would-be settler heard. Lines were always over-extended and dependence on the one cash-crop was always too great. All the while, the British colonies along the Atlantic seaboard were growing in population and diversifying along economic lines. Granted, the British advantage was to last only a scant dozen years but there was time enough to bring the advantage to bear on New France and the curtain fell in 1760 with the fall of Montreal.

Although the Articles of Capitulation, 1760, promised amnesty to the Indian allies of the French Sovereign, all the Indian people realized they had lost with the cessation of hostilities. Up to this time the value of the Indian to the occupying powers was as a fur-collecting mercenary warrior. The consolidation of British America reduced the mercenary warrior's value to zero - no matter whose side he might have been on. The people were aware that the American colonist as a homesteading settler had invariably been cold-blooded about the Indian - when his usefulness expired he was pushed aside. This was the way in which the Five Nations had become the Six Nations - the Tuscaroras, a southern people of Iroquoian stock, had been expelled from North Carolina in the years 1714-15 after reacting in the customary manner to wrongs inflicted on them by the settlers and had joined the Mohawks, Oneidas, Onondagas, Cayugas and the Senecas in their northern redoubt.

Considering "wrongs inflicted", herein there is little talk of "Indian massacres" or "bloodthirsty cunning", etc., or of the sufferings endured, for example, by Adam Dollard at the Long Sault (1660) and by the military garrison of Fort William Henry (1757); it is customary, of course, to cite the horrors experienced by the pioneering settlers of Lachine (1689) or of Deerfield, Massachusetts (1704). The principal victims in the story of North America, however, were, and are, the aboriginal peoples. For example, the contest between the Algonkian and Iroquoian peoples for control of the St. Lawrence and the lower Great Lakes pre-dated the European occupation but did not degenerate to wholesale slaughter until the European antagonists had armed their so-called allies with the weapons of long-range, mass destruction.

With its base in culture and religion, the aboriginal war was steeped in ceremony, ritual torture and stoicism. We find it hard to appreciate that it was the captive warrior's right to be accorded as extended a death-rite as possible and this by the stoic endurance of torture. "You should not thus shorten my life for you would have no longer time to learn to die like men." Taking into account the warrior's right and the weapons used, there were relatively few deaths in preoccupation engagements. The interaction of Indian and European corrupted both. The cultural and philosophic basis of Indian warfare was perverted (sometimes unconsciously) by European manipulators to mercenary terrorism, magnified beyond recognition through the use of firearms. Access to European goods and weapons became not just a desirable end for the Indian but a necessity maintained with anxiety and desperation; the most degrading acquisition was English rum or French brandy. The Indian may have won many battles after the occupation, but he lost every war.

After the Peace of Paris the French officers, administrators and many of the social elite returned to France and the British hoped to model the new "Quebec" on the colonies of the Atlantic coast, mainly by an infusion of English-speaking colonists. However, the influx was not what was expected or indeed wanted - a few hard-headed Scots aching to enter the fur trade. The Caledonians had a natural empathy with the remaining sixty-five thousand French inhabitants, an economic antipathy towards further settlement and no respect for the objectives of the British administration. These entrepreneurs were just as determined to advance Quebec's fur-trading interests at the expense of the other colonies as were the French monopolists. They were equally determined to observe the "Indian hunting grounds" provisions of the Royal Proclamation only insofar as these fitted in with their aims for exploiting the fur resources of these lands. By design or good luck the Scots traders' objectives were achieved with the passage of the Quebec Act in 1774, whereby the colony's borders were restored to those enjoyed by New France - bounded on the north from the headwaters of the Mississippi to the Atlantic Ocean by way of the Hudson Bay/Hudson Strait watershed, and including the vast triangle south of the Great Lakes between the Mississippi and Ohio Rivers. As was the case wherever settlement was curtailed, and the fur trade sustained, a modicum of benefit obtained to the Indian in his capacity as trapper and guide.

While it may appear that the Revolutionary War of 1775 and the Treaty of Paris (1783) made a mockery of the revised Quebec border pretensions, it is well to recall that it took the Jay Treaty of 1796 and several additional years of harassment to dislodge the Montreal traders from the area south of the Great Lakes to the confluence of the Ohio and the Mississippi (which was well inside the territory of the newly formed United States). Under the special provisions made for them in the Jay Treaty, the Indian trappers continued doing business back and forth. The Montreal-based traders consolidated in 1784 as the North West Company.

The Constitutional Act of 1791 divided Quebec at the Ottawa River into Upper Canada (Ontario) and Lower Canada (Quebec); during the years before and after, the United Empire Loyalists, followed by a steady flow of settlers from the United States, populated the Eastern Townships of Lower Canada. By the Labrador Act of 1809 the coastline from River St. Jean (including Anticosti Island) to Hudson Strait was transferred to Newfoundland, and the area drained by the Hamilton River complex to Rupert's Land. The St. Lawrence coast-line and Anticosti were returned to Lower Canada in 1825. The Province of Canada was formed by uniting Upper and Lower Canada in 1840 and this union continued until Confederation in 1867.

When considering the Indians of Quebec, a basic confusion arises involving the matter of treaty negotiation and the question of an Indian, or aboriginal, title to the land under consideration. While it can be said there was no negotiation regarding an unrecognized aboriginal title, it cannot be said that the type of arrangements which have come to be thought of "treaty" arrangements were not entered into. Indeed, there is little difference between the type of arrangements that Champlain entered into with the Huron or Algonkian peoples and the Maritimes agreements heretofore described as "Treaties of Peace and Friendship". If anything, it might be argued that the type of agreements entered into by Champlain were even more binding in that these were alliances whereby he agreed to assist his new allies regarding the settlement of old scores. In succession, he promised such help in battle to the Montagnais, the Algonkins and the Hurons. Considering that the common enemy was the Iroquois of the Five Nations, the French cannot be said to have violated their basic treaty promises.

It should be acknowledged that it is easier, by hindsight, to align the interests of the French and their Indian allies than it is regarding the British. Whether it was official policy or not, the prime emphasis during the French regime was on the fur trade and, in consequence, the abrasive pressures of a rapidly-increasing European population and ever-expanding areas of settlement did not exert their adverse effect on French-Indian relationships. In southern British America, relatively rapid trends in these areas tended to see the Indian peoples brushed aside or totally submerged by increasing numbers of settlers.

Champlain and his successors continued to form political alliances with various Indian groups whenever, or wherever, these were encountered and were successful in promoting the idea that only the French could provide protection from the Iroquois. Ostensibly the forts they erected were put up with the consent of the Indians who ranged the regions covered and the argument that these guaranteed the safety of the Indians using the French fur routes was accepted. Further evidences of French effectiveness were the promises of peace extracted from the Five Nations at Quebec in 1667 after de Tracy's destruction of the Iroquois heartland villages and again at Montreal in 1700 after Frontenac had levelled the rebuilt strongholds of the Oneidas and the Onondagas.

Other than the assurances provided in the Articles of Capitulation, 1760, that the Indian allies of the French would not be penalized or disturbed on their lands, neither the British nor the Canadian governments subsequently entered into treaty negotiations with the Indian people of Quebec.

The question of an aboriginal title in Quebec is quite another matter. It has been said that French discovery and occupation meant absolute sovereignty over New France; the Indian had no recognizable title and, as a savage, no negotiable rights - it was an obligation to raise him to a state of grace and, if necessary, to set aside land under church direction where he and his family could receive religious instruction and be nurtured towards civilized life. In the Royal Proclamation of 1763 the British idea of an aboriginal title (concerning that rough trapezoid heretofore described as Old Quebec or Lower Canada) was dismissed as though extinguished by the prior French occupation.

The boundaries of Quebec remained unchanged from Confederation in 1867 until 1898 when that portion of the former Rupert's Land area south of the Eastmain River and 52⁰ latitude was added to the Province. No reference was made to an Indian interest in the territory.

In 1912, the District of Ungava was transferred to Quebec, but this time the Province assumed a statutory obligation to obtain a surrender of the rights of the Indian inhabitants therein. Although Quebec did not take any steps to fulfill this commitment for some sixty years, the Province's announced plans in 1971 for massive hydro-electric development on the east coast of James Bay accentuated the need to resolve Indian claims in the region. The outcome was an Agreement in 1975 involving the Government of Canada, the Government of Quebec, three Quebec Crown Corporations, namely Hydro-Quebec, the James Bay Development Corporation and the James Bay Energy Corporation, as well as the Grand Council of the Crees, and the Northern Quebec Inuit Association.

The James Bay and Northern Quebec Agreement redefined, in contemporary terms, the relationship between the Quebec Cree and Inuit and Government. Although the Agreement has not been termed a "Treaty" by either Government, the effect has been the same. The native peoples surrendered all their "claims, rights, titles and interests, whatever they may be, in and to land in the Territory and in Quebec"; at the same time, however, the Cree and Inuit communities acquired a substantial degree of control over their own political, economic and social evolution.

In 1978, the Naskapi Indians of Northeastern Quebec and the Port Burwell Inuit signed Complementary Agreements to the James Bay and Northern Quebec Agreement.

ONTARIO

In what was to become southern Ontario, the native depopulation effected by the Iroquois of the Five Nations continued for many years; however, as the Iroquois threat diminished, Chippewa (O-jib-ewa) peoples from the north and west moved in to range the unoccupied lands. It was with these and subsequent groups that successive British and Canadian administrations negotiated for the surrender of the Indian title and to relocate the Six Nations at Brantford and the Mohawks at the Bay of Quinte. It is under these circumstances the matter of an aboriginal title presents its anomalies and automatically raises questions. With whom is the aboriginal title lodged? With those remnants whose direct antecedents were presumed to be in situ first - the Wyandots (Hurons)? With those who presumably gained the lands by conquest - the Five Nations? Or, as one is led to suspect, have successive administrations been presented with such increasingly complex native conundrums (of which the evolving "aboriginal title" policy is one) that the exigent manner was to treat with those in situ?

Farther north, under the Royal Charter of 1670, the Hudson's Bay Company enjoyed its unfettered dominion over the Canadian Shield, a substantial portion of which was to become northern Ontario. Apart from the period between 1682 and 1713 when the French had successfully contested for control, the Company was the law and, fortunately for the Indian collectors ranging Rupert's Land, its jurisdiction was the fur trade. The collecting stations at Moose Factory and Fort Albany served as focuses for the Crees (and other northern groups) funnelling the wealth of premium furs over the cheap water route to England. The Royal Proclamation of 1763 specifically exempted Rupert's Land from its provisions.

After the Revolutionary War, by far the largest number of Loyalists (probably about 5,000) settled west of what is now Cornwall and along the north shore of Lake Ontario. Settlement was indeed a fact and the matter of the aboriginal title was a major concern. Besides those who came to the Ontario region directly, a number of dissatisfied Loyalists from the Maritimes followed soon after the main movement. Then there were the "late Loyalists" - who vastly outnumbered the refugees - seeking cheaper lands and a more orderly environment; some had been disquieted by the Revolution and others were impressed by the appearance that the British had little difficulty with the Indian people while the Americans seemed to be constantly at war with them. In the main these were true settlers - pioneer homesteaders whose greatest ambition was to farm their own land. The resulting divergences between the English-speaking newcomers and the French-speaking residents were recognized in 1791 by the division of Quebec into Upper and Lower Canada.

By 1812 the settler population of Upper Canada had increased to 80,000 and the arrangements by which the newcomers were accommodated under the "Indian Lands" provisions of the 1763 Proclamation numbered roughly a dozen; two of these, the Haldimand Grant and the so-called Gunshot Treaty, are remarkable only as examples of mismanagement. The "Gunshot" Treaty is probably one of the most bungled transactions in the history of Indian treaties; negotiations probably started as early as 1783-4 and were concluded one hundred and thirty-nine years later in October and November of 1923.

Prior to the Revolutionary War, the tendency had been for the earliest settlers in the Upper Province to cluster at Cataraqui (Kingston), York (Toronto) and Niagara. As the Loyalists, and those who followed, filled in the gaps the need to discharge the Indian title to the north shore of Lake Ontario became increasingly pressing. Consequently, Sir John Johnson, Superintendent-General of Indian Affairs (1782-1828), had an agreement drawn up to discharge the Indian title along the lakeshore from Toronto to Kingston. Although representative Indian leaders at the Bay of Quinte signed the agreement on 23 September 1787, the document was blank as far as describing the lands surrendered.

In one version of its history, the use of the word "Gunshot" is said to have meant that the back boundary of the tract to be ceded was to be the distance from the lakeshore that a gunshot could be heard on a still day. At various times fragments of documents have been put forward which have appeared to support this version, or in which "as long as the sun shines" and such phrases are used. Invariably these fragments are felt by the holders to be portions of the missing treaty; however, the incomplete document of 1787 was clearly prepared to present more exact boundaries and the language used was much drier than the descriptive terms quoted - more indicative of the officialese of the period. The terms quoted are generally illustrative of those used in preliminary treaty negotiations and the documentary fragments could be from the numerous exchanges which must have arisen between the principals. (For example, as a result of a direction dated 15 September 1783 from Governor General Haldimand, Sir John Johnson ordered Captain Crawford of the Indian Department to start making the necessary land purchases in the Bay of Quinte area from the Indian peoples concerned. There are indications that Captain Crawford exceeded his instructions and negotiated for many parcels; it is very likely that one or more of these transactions gave rise to the Gunshot Treaty story.)

In any event, the matter was again brought to Sir John's attention early in 1791 resulting in the following intimation to the Deputy Surveyor-General: "I never received any deed from Crawford of the purchases he made ... the deed I had drawn up at the head of the Bay ... was left in your hands to fill up the courses, since which I have never seen it." The indications are that the Surveyor never did complete the blank spaces and the agreement was considered invalid. In 1805, a relatively small parcel on the Etobicoke River, west of Toronto, was cleared of the Indian title and the shore west of that to Burlington Bay in 1806. The omnibus agreements of 1923 with the Chippewa and Mississauga peoples were considered to have rectified all the outstanding oversights attending the arrangements ostensibly entered into in 1787.

Concurrent with Governor General Haldimand's concern with the aboriginal title in the Bay of Quinte area during 1783-4 was his obligation to meet the Imperial commitment undertaken when Captain Joseph Brant (Thayendanege) had allied himself and his followers to the British cause in the Revolutionary War. The combined pressures attending these responsibilities, along with the influx not only of settlers but of other migrating Indian groups into the Upper Province, could well have given rise to the exigent nature of the measures taken during this period.

(Under the British regime Joseph Brant became a protégé of Sir William Johnson, then Indian Superintendent of the Iroquois in Upper New York State. Sir William made the young Mohawk his assistant and, at the outbreak of the Revolutionary War, Joseph accompanied Sir William's nephew Guy Johnson to England. On his return, Joseph Brant received a commission and, under the commands of Generals Haldimand and Johnson, led the Mohawks, Senecas, Cayugas and Onondagas against the Americans during the Revolutionary War. Other factions of the Six Nations aligned themselves with the Americans or remained neutral.)

The first arrangements for the reception of Captain Brant (then on half-pay) and his followers were made by Governor General Haldimand early in 1784. The location was the Bay of Quinte area previously mentioned. (It should be borne in mind that this grant was in an area allegedly purchased by Crawford from the Mississaugas but for which a deed was never produced and also that the district, Tyendinaga, is outside the area covered in the 1923 settlements.) Captain Brant however, felt there were too many European settlers in that vicinity; on 25 October 1784, therefore, Haldimand reserved for the Mohawks and others of the Six Nations about one million acres of prime land in southern Ontario - all the land for six miles on either side of the Grand River from its mouth on Lake Erie to its source. Unfortunately, Haldimand did not have the power to make the grant as the aboriginal title, ostensibly held by the Mississaugas in the north, had not been extinguished. Nevertheless, in 1784 Captain Brant and most of his followers removed to the banks of the Grand. Captain Deseronto, on the other hand, preferred the original agreement and, despite the arguments of Haldimand and Captain Brant, insisted on settling at Tyendinaga with 300 Mohawks of like mind.

With regard to the Grand River Tract, the aboriginal title deemed to be held by the Mississaugas extended only from the mouth of the Grand, on Lake Erie, for approximately two-thirds of its length; these southerly reaches were included in a title extinction negotiated with the Mississaugas on 22 May 1784. As the agreement however, was considered defective a corrected instrument was made on 7 December 1792.

Obviously, part of Haldimand's difficulty was in deciding with whom to treat as "aboriginals" in situ and, as has been observed, in some instances this decision was made precipitately. Under the circumstances outlined heretofore, it would not be remiss to suspect that nepotism (as well as exigency) was somewhere in play and that if an immediate advantage was to be considered it would hardly be in favour of the Chippewas or the Mississaugas.

Quite simply put, in the Grand River instance Governor-General Haldimand was giving away land he was not free to dispose of - very probably on the basis of inaccurate or incomplete advice. The instrument of Lieutenant-Governor John Graves Simcoe dated 7 December 1792 defined the boundaries of the title extinction more clearly, reconfirming that the original surrender did not include the headwaters of the Grand. The so-called Simcoe deed of 14 January 1793, moreover, did not state that the Haldimand Agreement was thereby superseded or abrogated, but did establish that the northernmost limit to which settlement along the Grand River could be reserved exclusively to Captain Brant's people was that dictated by the title extinction in 1792.

Although Joseph Brant strongly protested the withholding of the northern reaches, it was evident he did not personally adhere to the principle that the lands of the Grand should be reserved for his people's exclusive use; on 5 February 1798 he sold approximately half of the entitlement including all the lands along the river from Fergus south to Paris. This practice was finally inhibited by the withholding of Crown consent to such alienation.

The relocation of the Iroquois groups in Upper Canada was the most dramatic feature of an odd sequel to the Revolutionary War - the influx of various Indian peoples. This was, of course, presaged by the movement of the Ojibeway who were subsequently dealt with as the "aboriginals" in treaty negotiations. While the late Loyalists were entering via the Lake Ontario entry points, Delawares were filtering in from the southwest, some of them becoming incorporated with the Six Nations people on the Grand River; representatives of the Ottawas and the Wyandots (a Huron remnant) were returning to their ancestral home in the upper province by way of Sault Ste. Marie, while the Ojibeway migration from the north and west continued. No matter how badly the Indian peoples wanted to preserve their freedom and

cultural heritage, their dependence on European manufactures was almost total by this time; they naturally preferred to live and obtain their necessities in a friendly (or at least neutral) environment rather than in one of hostility, as was their lot to an increasing extent in the United States. If anything, the War of 1812 served to intensify Indian proclivities to view the British as allies and Canada as a refuge.

In 1821 the over-extended North West Company gave up the struggle with advancing settlement and merged with its rival, the Hudson's Bay Company. Whatever else it had been, the North West Company had been Canadian-based and Canadian-oriented; thereafter, the Canadian fur trade (along with those dependent on it for their livelihood) was directed from London and was no longer a major factor in the life of Upper Canada.

For some thirty-five years after the War of 1812, tens of thousands of British settlers moved into the upper province while the administration was concurrently endeavouring to accommodate hundreds of incoming Indians and to treat with those already established (and their aboriginal title). It was reasonably clear that the British administrators had hoped the Indian peoples would follow the pattern set by the British settlers and farm lands allotted to them; however, the process was far from orderly. For example, some Indian people were glad to settle on Walpole Island, but the comprehensive reserve on Manitoulin Island planned by the British in 1836 never came to pass - the Indian people had their own ideas regarding where it would be best to locate. For many, the fur trade had provided the only material income they had ever known and farming was not considered by them to be an acceptable alternative.

In 1840, the Upper and Lower Canadas were reunited to form the Province of Canada. The aboriginal title had been dealt with to the satisfaction of the administrators by some two dozen treaties and surrenders. Up to the year 1818 compensation for the lands was a once-for-all payment in goods or money at the time of negotiation. In 1818 annuities became a feature of most land surrender exercises and initially they were paid in goods. Because the Indian recipients began to trade their presents for liquor, however, in 1829 Sir John Colborne, Lieutenant-Governor of Upper Canada, obtained permission from the Secretary of State to apply the annuities toward building Indian houses and farming implements and livestock.

By the end of the 1840's, settlement on an agricultural basis was quite extensive throughout what had been the Upper Canada segment of the now united Province up to (and including) the Bruce Peninsula. As we have seen, treaty activities up to that time in Upper Canada had been the most intensive of any yet conducted in Canada, although untidiness had attended the sequence of events along with overtones of exigency and undertones of irregularity and nepotism. The activities of 1850 however were to be conducted prior to the extensive settlement contemplated for the more northerly reaches of the Province; they were to reject the piecemeal in favour of the comprehensive, although exigency was as obvious a concomitant as ever.

The Robinson-Superior and Robinson-Huron Treaties of 7 and 9 September 1850, respectively, discharged the aboriginal title of twice as much land as had been affected in all other Upper Canada treaties put together. Discovered to be rich in minerals, the area was all the land north of Lakes Superior and Huron to the height of land separating Rupert's Land from Canada; the Indian peoples deemed to be ranging either tract were the Ojibeway. The Robinson Treaties (so named after the Crown's representative, the Honourable William Benjamin Robinson) did not establish a formula for future treaty activities as is sometimes claimed, but they did establish a much tidier method. The principal features included provision for annuities, Indian reserves, and freedom for the Indians to hunt and fish on any unconceded Crown lands.*

The good agricultural land on Manitoulin Island did not go unnoticed. The Government of the Province of Canada commissioned the Honourable William McDougall, then Superintendent-General of Indian Affairs, to effect a treaty with the resident Indians. McDougall obtained a surrender in 1862 from the Indians of the Island, excluding therefrom that portion of the Island east of Heywood Sound.

* The post-Confederation Treaties, Nos. 3 to 11 inclusive, also allowed Indian hunting, fishing, and trapping on unoccupied Crown lands, but further restricted them to "such regulations as may from time to time be made" by Her Majesty's Canadian Government. Federal Fish and Game Acts, to name a few, are examples of "such regulations".

In 1867, the Province of Ontario was created (having the same boundaries as Upper Canada) and entered Confederation as a founding member. Rupert's Land was acquired from the Hudson's Bay Company by Canada in 1870 and the nucleus of Manitoba was formed at that time as the fifth province. Separating the settlers of Manitoba and those of Ontario was the North-West Angle (the Lake of the Woods district) and this settlers' highway, known as the Dawson Route, was cleared of the aboriginal title in 1873 under Treaty No. 3. (As will be seen further on, the fledgling Province of Manitoba and a contiguous area to the north and west were covered by Treaties Nos. 1 and 2 in 1871.)

Although Treaty No. 3 was intended initially to be a matter of negotiation with the Ojibeway of the area, the outstanding features of the document were the specific provisions for the people of mixed-blood and the actual wording "by virtue of their Indian blood, claim a certain interest or title in the lands or territories ... the said Half-breeds have elected to join in the treaty ... it being further understood that the said Half-breeds shall be entitled to all benefits of the said treaty ..." While the Adhesion of the Half-breeds may be an isolated incident of Treaty activity in Canada, it is a tacit admission of mixed-blood (Métis) interest or title in the land. Of course, one need only look at the Manitoba Act of 1870 wherein the Half-breed Grants were deemed "expedient towards the extinguishment of the Indian Title".

In 1889 most of the Treaty No. 3 area was included in Ontario's revised boundaries which advanced north to the Albany River. Under Treaty No. 9, concluded in 1905 to allow for uninhibited railway construction, substantially all of Ontario then was cleared of the aboriginal title. The Province's present boundaries were fixed in 1912 and the additional territory was covered by an Adhesion to Treaty No. 9 in 1929-30.

Despite statements that Britain had been honouring the aboriginal title of North American Indians since 1670, the milestone for the type of negotiation we have come to think of in Canada as "treaty activity" was laid in the upper province in 1784. This may be ascribed to forces set in motion by the Royal Proclamation of 1763 and the Revolutionary War, with emphasis on clearing the land of its aboriginal title to facilitate full title transfer to others. It may be said that the land surrenders were just that, but on what authority? Obviously these imperfect exercises were designed for one purpose - to extinguish the Indian land title implied in the Proclamation of 1763. What might be considered oversights when comparisons are made with later activities were occasioned by lack of expertise and experience, not intent.

The provision of Indian reserves was not a feature of the early Upper Canada treaties and had to be fitted in at later dates. By 1850 the process had been so refined that reserves were provided and there was no confusion as to what extinguishment of the aboriginal title meant, including the limitation (as time went on) of Indian hunting and fishing to lands not taken up for settlement and development. The language of Treaty No. 9 is even more precise and the limitations even more clearly defined; however, the rewards also reflect something of a growing social consciousness.

Ontario provides as cogent examples as may be found of the inequities which have resulted from treaty activities, no matter what the original circumstances and motives were; it also provides the longest continuous time scale, 1784 to 1923. There are some examples of groups considered to be well off and many who are considered to be poor. In some instances these circumstances can be related to the time when surrender or agreement was concluded (pre-Confederation, post-Confederation) or to the environs (southern Ontario, northern Ontario). In no instance was a treaty instigated by an Indian group and in very few cases did they influence the terms to any great extent. Ontario also provides a precedent wherein identified Indian groups received cash compensation specifically for their surrendered Indian title to hunting, fishing and trapping interests. This agreement is in two parts, one defined as a Treaty with the Chippewas dated 31 October 1923 and the other with the Mississaugas dated 15 November 1923. Also of significance therein is that this action concluded the arrangements, previously mentioned, initiated by Sir John Johnson on 23 September 1787.

THE PRAIRIE PROVINCES

Most of the post-Confederation "numbered" Treaties, particularly in Manitoba, Saskatchewan, and Alberta, predated the establishment of provincial boundaries and the result has been an overlapping of treaty/provincial lines. A sequential look at the western Treaties is mandatory in order to understand their role in Canada's expansion and development on the Prairies. In the 1870's in particular, Indian Treaty activity was conducted in quick succession throughout the Fertile Belt. As the regions north of the settled areas became desirable, the pace of treaty activity quickened again. The scenario began to develop, however, many years before Confederation.

In 1857, the Province of Canada's Chief Justice Draper testified before a Select Committee of the British House of Commons convoked to consider the future of Rupert's Land. Admitting that his Province was not then ready to take on responsibility for all the lands in question, the Chief Justice suggested instead that Canada could eventually take over the Hudson's Bay Company's land holdings bit by bit and that a railway link with the St. Lawrence could be built; the Committee accordingly recommended that the Red and Saskatchewan River districts be ceded to Canada. Although the recommendation was not immediately acted on, the exercise was evidence of a growing national consciousness.

In the drive toward geographical unity, the more reluctant and tardy elements were to receive the usual assistance in making up their minds from concurrent events in the United States. During the American Civil War (1861-65), the victorious North built up a particularly powerful, effective and well-armed force. The completion of the Union Pacific Railway in 1864 saw American settlement westward accelerated beyond belief. The 1860's also saw the citizen settlers of newly-created Minnesota eyeing the fate of the Red and Saskatchewan River districts with interest.

In 1867, Canadian Confederation began with the founding provinces of Nova Scotia, New Brunswick, and Canada (from which were created Ontario and Quebec respectively). Three years later, the new Dominion acquired Rupert's land and the North-Western Territory and admitted the postage-stamp size province of Manitoba into the Union. In 1871, British Columbia entered on the condition that an east-to-west railway would be started in two years and completed within ten.

The year 1871 was also the beginning of the most intense and comprehensive treaty activity yet undertaken in Canada - Treaties Nos. 1 and 2 in the Red River district, 1871; Treaty No. 3, the Lake of the Woods link, 1873; Treaty No. 4, southern Saskatchewan, 1874; Treaty No. 6, most of the North Saskatchewan River district, 1876; Treaty No. 7, the remainder of the South Saskatchewan River system (Alberta), 1877. The spate not only encompassed the immediate prospective areas of western settlement, but also included the most likely lands for railroad rights-of-way with options. In addition, Treaty No. 5 in 1875 prepared the way for steam navigation via Lake Winnipeg and the Saskatchewan River.

From part of the North-West Territories (Rupert's Land and the North-Western Territory) were created the provisional Districts of Assiniboia, Saskatchewan, Athabaska, and Alberta in 1882. These, along with the enlarged District of Athabaska (1895), were the areas absorbed by the newly-constituted provinces of Saskatchewan and Alberta in 1905. Earlier, Treaty No. 8 (1899) to the northwest of Treaty No. 6 had extinguished the Indian title to the area between Edmonton and the access route to the Yukon gold-fields; subsequently, Treaty No. 10 (1906) took in the remaining unsundered portion of Saskatchewan; finally, Adhesions to Treaty No. 5 in 1908-09-10 preceded Manitoba's boundary extensions of 1912.

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For much of its history, the story of Manitoba is the story of the Hudson's Bay Company. By design, the Company's effect on the Indian people of the area was curiously indirect although nevertheless profound. From the beginning it was the Company's intent to have its agents attend to business at York Factory grading and processing furs brought direct to the point of embarkation by Indian collectors. Economically, the combination of low transportation costs from Hudson Bay ports and relatively cheap, good-quality trade goods was hard to beat; competition from the French and then from the hard-driving Nor' Westers, however, forced the Company into active inland promotion and exploration. Despite the disruptions caused by the rivalries of the various traders, the Indians suffered more from the ravages of alcohol and European diseases than they did at the hands of the Company's agents who, on the whole, enjoyed a good working relationship with the Indian people throughout Rupert's Land.

The most serious rupture occurred over the Red River Colony whereby the Company went into the land settlement business in 1812 under a major shareholder, Thomas Douglas, Earl of Selkirk. The chief opponents of this enterprise were ostensibly the gentlemen of the North West Company and the Indian bystanders were occasionally treated to the spectacle of Scottish trappers murdering Scottish settlers (or vice versa). Settlement was, of course, even worse from the Indian point of view but this colony was to develop along lines which would have pained its highminded founder.

In 1817, the Earl of Selkirk, on behalf of King George III, entered into negotiations with chiefs and warriors of the Saulteaux and Cree Nations for the extinction of title to lands adjacent to the Red and Assiniboine Rivers. As was recorded much later by Manitoba's Lieutenant-Governor, the Honourable Alexander Morris, the Indian signators to the Selkirk Treaty were "made to comprehend, the depth of the land they were surrendering, by being told, that it was the greatest distance, at which a horse on the level prairie could be seen, or daylight seen under his belly between his legs." The consideration for the surrender was the annual payment of one hundred pounds of tobacco to each Nation.

Initially Selkirk intended the Red River Colony to be a model of Scottish husbandry and propriety. With the union of the North West Company and the Hudson's Bay Company in 1821, however, the fierce rivalries of their agents were resolved and the colony became the logical place in which to establish the Indian wives of the Company's employees. The union had also set in motion the release of old employees (both French and British) and many of these also set up mixed-blood households in the settlement. The numerous offspring gave the colony its greatest single spurt of growth and served to stabilize two new population elements - the English-speaking "Scotch" or "Hudson's Bay" Indians, and the French-speaking Métis. Although the stiff-necked original Highland settlers stuck to Gaelic and to farming, the attention of the colony's majority was once again concentrated on the fur trade even to the extent of surreptitious dealings with the Company's American rivals "south of the line".

In time all the people of mixed-blood came to be thought of as "Métis" (at least by the European settlers) and many, through ties of blood and empathy, came to cast their lot with the Indian peoples. There was considerable inter-marriage not only between the two major language groups but with their Indian affiliates. The resultant re-combination of native genes would make their Métis descendants at least as "Indian" (on the basis of "blood content") as many registered Indians in the East. Additionally, as we are told that being "Indian" is as much a state of mind as a matter of blood content, from their close association and affinity over the generations with their Indian affiliates the Métis have every right to consider themselves representatives of the present Indian way of life rather than as a people set apart. The Métis are as much children of the fur trade as are the redirected Indian peoples whose ancestors' existence since the 1600's depended on the European drive for Canadian furs.

In 1870 the Hudson's Bay Company sold its proprietary rights over Rupert's Land to the Government of Canada and in that year the nucleus of Manitoba, comprising a good part of the Red River Colony, was formed as the fifth province. To many of the colonists (and particularly to the established Indians and Métis) it appeared that the Company had sold them as well. All were well aware that it was the intention of businessmen and other Eastern interests (i.e. in Toronto) to open up the West - and their inter-dependent fur-trading enclave - to full-scale development. The resultant discontent was manifested in Louis Riel's provisional government, a stop-gap designed to safeguard native and Métis rights in Red River by dictating the terms on which the Colony would become part of Canada. The rights of the halfbreeds were fulfilled somewhat in the Manitoba Act under which 1,400,000 acres of the new province were set aside for the halfbreeds and their children and all existing titles and occupancies were to be respected. Altogether the new province covered some eleven thousand square miles.

As noted previously, the North-Western Territory and Rupert's Land were admitted into the Dominion on 15 July 1870. An enabling Order-in-Council of 23 June 1870 gave the Canadian Parliament full legislative power over the new territory. The transfer was made upon the following terms: that Canada should pay the Hudson's Bay Company £300,000 sterling; that the Company should retain the Posts they actually occupied in the North-Western Territory, and might within twelve months of the surrender, select a block of land adjoining each Post outside of Canada and British Columbia; that for fifty years after the settlement, the Company might claim 1/20 of the land set apart for settlement in the Fertile Belt (bounded on the South by the United States, on the West by the Rocky Mountains, on the North by the North Saskatchewan River, on the East by Lake Winnipeg, the Lake of the Woods and the waters connecting them). In addition, all land titles conferred by the Company up to 8 March 1869 were confirmed. A significant provision regarding the native inhabitants, however, was Article Fourteen:

Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian government in communication with the Imperial government; and the company shall be relieved of all responsibility in respect of them.

Needless to say, Treaties Nos. 1 and 2 of August 1871 took in practically every square inch of Selkirk's sixty-year old colony including large areas outside the embryonic province (Manitoba's boundaries did not catch up until the extensions of 1882). With relatively minor variations, the treaty activities of September 1875 likewise anticipated Manitoba's final boundaries by some thirty-seven years. Treaties No. 1 and 2 made absolutely no provision for the Indian and Métis peoples to continue their pursuits of hunting, fishing and trapping while Treaty No. 5 allowed restricted hunting and fishing to the Indian people; the aboriginal title, however, had been neatly tied up province-wide. The indications are, of course, that the Indians were expected to adopt farming as their livelihood at least in the Assiniboine and Red River areas and this has been put forward as a reason for the lack of hunting, fishing and trapping provisions in Treaties Nos. 1 and 2.

For the most part, Treaties Nos. 1 to 11 all featured similar provisions.* With a few subtle differences, all the Western Treaties provided for reserve lands; monetary payments, occasionally medals and flags as well, at the treaty signing; suits of clothing every three years to chiefs and headmen; yearly ammunition and twine payments (Treaties Nos. 1, 2 and 9 excepted); and some allowance for schooling. Treaty No. 6 was exceptional as it was the only one in which provisions were made for medical treatment, and for "assistance in the case of pestilence or famine." The medical provision - "a medicine chest shall be kept at the house of each Indian agent for the use and benefit of the Indians at the direction of the agent" - has been made a claim for comprehensive medicare, in the modern sense, on behalf of the Indian people concerned.

To obtain a proper appreciation of Indian Treaties, one should read them in historical context. If the Treaties provisions are read as symbolic promises of more comprehensive services to be adapted to changing circumstances, they take on a very different meaning than if they are read as plain statements meaning precisely and exactly what they say. Many of the Commissioners' promises (in or out of treaty) were "once-for-all commitments" and any or all "recurring expenditures" were related to real requirements at the time.

* Refer to the Treaties Chart on p. xxv for details.

On the formation of Manitoba, considerable numbers of nomadic Métis withdrew westward from settlement, depending for their livelihood on the dwindling buffalo herds. The detachment of the mixed-blood people from the Indian people was achieved from 1874 onward by treaty activity, the separation being emphasized by the provision of reserves for Indians under treaty. Some mixed-blood people were included in the treaty activities of particular bands but the majority went the way of the Métis. Those who took treaty thus adopted "Indian" status. Those who chose not to take treaty were eligible for half-breed scrip.

With the establishment of reserves "for the sole and exclusive use of Indians" as an accompanying feature of treaty activities, the necessity to define "Indian" became imperative. The latter step, however, and the establishment of treaty paylists and band lists (1951), have served to introduce and perpetuate a peculiarly mechanistic way of determining Indian status. "Treaty Indian" has become a label of differentiation currently used (especially in the West) by the Indian people themselves and by many of the news media. Misuse of the expression has served to create barriers between peoples sharing a common cultural heritage and similar ways of life.

On 31 December 1873, Indian Commissioner J.A.N. Provencher summarized the advantages of dealing with the Indians by the Treaty system and how this would help the Indian people make the necessary adjustment to a new style of living:

There are two modes wherein the Government may treat the Indian nations who inhabit this territory. Treaties may be made with them simply with a view to the extinction of their rights, by agreeing to pay them a sum, and afterwards abandon them to themselves. On the other side, they may be instructed, civilized and led to a mode of life more in conformity with the new position of this country, and accordingly make them good, industrious and useful citizens.

Under the first system the Indians will remain in their condition of ignorance and inferiority, and as soon as the facilities for hunting and fishing disappear, they will become mendicants, or be obliged to seek refuge in localities inaccessible to immigration or cultivation.

Under the second system, on the contrary, they will learn sufficient for themselves, and to enable them to pass from a state of tutelage, and to do without assistance from the Government.

No story of the Western treaty-making process would be complete without mention of the North-West Mounted Police. Established in 1873 to maintain order on the prairies, these mounted riflemen were a formidable presence at treaty negotiations; they not only added pomp to the ceremonies but they had come to be trusted and recognized as representatives of the Queen's good faith. The force also played a significant role in encouraging roving bands of Indian buffalo hunters to settle on reserves. This was particularly important when the last appearance of the buffalo on the Canadian prairies in 1879 left destitute hundreds of starving Indians around Fort Walsh.

Construction of the railway was scheduled to start in 1873 (in accordance with the British Columbia agreement) but was disrupted in that year on political grounds which also cost the life of Sir John A. Macdonald's government. The railway matter, however, was to be kept alive by more than just the protestations of British Columbia until Sir John's return; obviously, the disparate segments of the new country had to be linked as soon as possible for survival and rapid settlement was necessary to sustain its development. That an east-west railway would provide the most immediate and practical resolution was evident to the most sceptical.

The expedience with which treaty activities were conducted between 1871 and 1877 merely reflects the haste with which the Dominion was stitched together and should not be taken to imply that government's motive was to steal Indian land or to obtain it by trick or fraud. Since 1763, successive administrations had been burdened with the liability of the "Indian title" inferred from the Royal Proclamation; what the government in right of the Sovereign was obliged to purchase had not been clearly defined in that legislation. The method of dealing with the question evolved from imprecise beginnings in the late 1700's to the ritualized, rather mechanistic, method used so extensively and expediently in the 1870's. Upon study, one is left with the impression that the treaty commissioners operated within quite narrow areas of discretion regarding what actually could be given; that they felt the tactics used were justified as long as the Indian people were adequately "looked after" with integrity, according to the conscience of the times. Needless to say, from today's viewpoint the Indian signators had relatively little choice, and even less expert counsel. In such circumstances, that there should be divergences concerning what the people thought they were getting as opposed to that which was actually written into treaty is understandable; that these divergences would become even more significant as the standards of literacy and militancy rose was inevitable.

Treaty No. 4, concluded in 1874, covered the arable southern portion of what was to become Saskatchewan* and was the first in which trapping, despite its early significance, was officially recognized as a feature of Indian life. In conjunction with Treaty No. 7 (concluded in 1877), the jagged treaty line from Georgian Bay to the Rockies containing the most likely areas of expanding settlement was completed - roughly two degrees of latitude north of the international boundary.

In 1875, steam navigation via Lake Winnipeg and the Saskatchewan River was the best mode of transportation from Manitoba to the regions of the Fertile Belt; construction of the railway had not yet progressed past the City of Winnipeg. Thus, in September of 1875, Alexander Morris, Lieutenant-Governor of Manitoba (and the North-West Territories, ex-officio) met with representatives of the Saulteaux and Swampy Cree tribes to negotiate Treaty No. 5 and succeeded to obtain the surrender of their rights and title to 100,000 square miles to the north of Treaties Nos. 2, 3, and 4. The western extremity was at Cumberland House on the Saskatchewan River.

Prior to the negotiations of Treaty No. 6, Lieutenant-Governor Morris was well aware that the Indian people of the Saskatchewan River districts were becoming apprehensive for reasons other than the pending negotiations. American whisky-jacks and other unscrupulous traders had been active throughout the Canadian West; recent epidemics of measles, scarlet fever and small pox had taken a terrible toll; the threat of starvation was ever present due to the accelerating reduction of the buffalo herds on which they depended and, while the need to change their way of living was appreciated, the Indians fully realized that a man could not change from hunter to farmer without proper preparation and training. The presence of the railway survey parties working through their area had also caused anxiety. The signing of Treaty No. 6 accounted for all the land drained by the North Saskatchewan River in the central areas of what were to become Saskatchewan and Alberta.

* A cartographical error at the time caused Maple Creek to be named as the western extremity of Treaty No. 4. Later maps show the intended stream to be Seven Persons Coulee, with Maple Creek in its present location (some 70 miles to the eastward). This oversight was never corrected in the Treaty No. 4 text, upon which depended the subsequent boundary descriptions of Treaties Nos. 6 and 7.

During his term of office, Governor Morris officiated over Treaties Nos. 3, 4, 5, and 6; there is no doubt that he adapted the method developed in the earlier exercises, particularly in the Robinson Treaties, to his needs. Although the Governor repeatedly told the Cree Chiefs throughout the negotiations for Treaty No. 6 that Her Majesty could not provide greater benefits than had been extended in the previous treaties, it was at the Crees' insistence that the medicine chest, pestilence and famine provisions were written in. As Morris told the people, it was the Queen's way to provide relief in the case of national famine and medical care in the case of national pestilence; writing appropriate provisions into the treaty would not affect these policies and would serve to allay the specific and valid fears of a particularly stricken group; equally, in view of the Indians' recent experiences and consequent dread of sickness, a box of medicine to be kept and administered by the Indian agent could not be considered an unreasonable concession. Obviously the Governor also had to admit that hunters could not become farmers overnight and, as the people had lived with famine at their tent-flaps, he felt he could not deny the need for assistance during the transition - thus his provision for their insurance (\$1,000 each year at seed time for the first three years). None of these provisions had been included in previous treaties and, with the exception of Treaty No. 8 where spring provisions for several years were included, were not repeated.

From his own writings, ambivalence may be noted in Governor Morris' attitude regarding the traditional Indian way of life as countered by his emphasis on the adoption of stock-raising and general farming as the acceptable means of livelihood. On the one hand we find him telling the people, "Understand me, I do not want to interfere with your hunting and fishing. I want you to pursue it through the country as you have heretofore done", and on the other, "I said you would get seed; you need not concern yourselves so much about what your grandchildren are going to eat; your children will be taught, and they will be as well able to take care of themselves as the whites around them." It is evident that the Governor felt that while the children would be fully able to fend for themselves on an equal basis in the larger society, assurance had to be given many of the hunters he addressed that the life they knew would not be swept away arbitrarily to be replaced by the unknown future which they faced with dread and foreboding: "You know my words are true; you see for yourselves and know that your numbers are lessening every year ... we want you to have homes of your own where your children can be taught to raise for themselves food from mother earth. You may not all be ready for that, but some, I have no doubt, are, and in a short time others will follow."

While he may have misjudged the time factor, Alexander Morris genuinely liked and admired the Indian people and spent a large part of his life "devising means whereby the Indian population of the Fertile belt can be rescued from the hard fate which otherwise awaits them, owing to the speedy destruction of the buffalo, hitherto the principal food supply of the Plains Indians, and that they may be induced to become, by the adoption of agricultural and pastoral pursuits, a self-supporting community."

Governor Morris was also a practical man, conducting his treaty activities in full realization that extinguishment of the Indian title would "enable the Government to throw open for settlement any portion of the land which might be susceptible of improvement and profitable occupation." Concerning the value of the railway, his views expressed regarding Treaty No. 3 are explicit: "and so was closed a treaty whereby a territory was enabled to be opened up, of great importance to Canada embracing as it does the Pacific Railway route to the North-West Territories - a wide extent of fertile lands, and, as is believed, great mineral resources." In 1880, looking back and including with understandable pride his own contributions, he wrote, "Since 1870, no less than seven treaties have been concluded, with the Indian tribes, so that there now remains no Indian nations...inside the Fertile Belt, who have not been dealt with."

It is evident that Governor Morris considered that the Indian peoples' needs and desires to hunt, fish and trap for food would diminish as their skill (and consequent yield) in the agricultural-pastoral field improved. That his views and those of today's Indian people are at variance is equally evident. While the Governor speaks of "permission to the Indians to hunt over ceded territory and to fish in the waters thereof, excepting such portions of the territory as pass from the Crown into the occupation of individuals or otherwise," many Indian people today view hunting, fishing and trapping as inalienable prerogatives which were confirmed, not limited, by treaty. Unfortunately, the actual wording of the treaties contradicts both viewpoints, giving rise to charges either that "ancient treaty rights" are being flouted by government or illegally curtailed. The very wording of any treaty plainly indicates that curtailment is inevitable. As time goes on, more and more land will be taken up for "settlement, mining, lumbering, trading or other purposes" and game just as inevitably retreats with advancing development. By the same token, no matter how inevitable the curtailment of opportunity, no treaty provision was ever made that hunting, fishing or trapping would cease by a given date (apart from that implied in the Chippewa-Mississauga agreements of 1923). In every treaty since Confederation government has reserved the right wherever hunting, fishing or trapping is mentioned to make "regulations".

The signing of Treaty No. 7 at the Blackfoot Crossing of the Bow River in September 1877 under Governor Morris' successor, the Hon. David Laird, "completed the series of treaties, extending from Lake Superior to the slopes of the Rocky Mountains." This cleared not only the lands of the Fertile Belt but also the northerly route first proposed for the Canadian Pacific Railway and the more southerly route finally decided upon. By the time western construction had started (1880), what the Indian people may have thought of the matter was hypothetical - the Indian title to the last link in the prairie chain (southern Alberta) had been extinguished in 1877. The rapid prior resolution of the Indian interest undoubtedly contributed to the speed of construction. The railway company not only received an initial construction subsidy of twenty-five million dollars and all trackage previously built, but also obtained a twenty-five million acre grant of prime settlement land to be chosen, by the company, in blocks twenty-four miles deep on either side of the line (alternating with equal government blocks) from Winnipeg to Jasper House. Within ten years the West had passed from the influence of a company whose primary concern was the fur trade to that of a company whose major interests centred on settlement and development.

The pace of treaty activity slowed considerably with the coverage complete in the Fertile Belt. Except for an Adhesion (covering an additional 11,066 squares miles) in 1889 to Treaty No. 6 by certain Wood Cree tribes in the vicinity of Montreal Lake and Lac La Ronge, the prior extinction of the Indian title to new areas considered for development was not deemed necessary until 1899. The immediate need then was to clear the route from Edmonton to the Pelly River in the Yukon. The route was used mainly by miners but more and more people each year were travelling along the route, and through the Peace River and Lesser Slave Lake districts. The Indian people here appeared less concerned than those further south and were not particularly interested in reserves or agricultural pursuits. The "domino" effect in treaty activities, however, was as evident as ever. Anyone who looks carefully at the question invariably asks, "Why didn't more people hold out?" The major hurdle, of course, is to get the first group to sign; once this has been accomplished, the clink of cash attends (along with other immediate benefits), the mass of the people do not want to be left out and their anxiety works on the representatives; the resulting inability to manoeuvre effectively is an obvious concomitant and signing is invariably unanimous. Under such circumstances there was no need for sharp practice or large-scale misrepresentation.

The territory (324,900 square miles) cleared under Treaty No. 8 was greater than that of any previous treaty, and, as well as the northern half of Alberta, took in the southeast portion of the Mackenzie District in the North-West Territories, the northwest corner of Saskatchewan and the northeast quarter of British Columbia. Particular difficulties have attended the application of Treaty No. 8 in the North-West Territories and these will be examined in the appropriate section on the Territories. As the lands in the northeast quarter of British Columbia are contiguous with those of the Peace River area and share the same features, the western boundary of Treaty No. 8 was established at the Rocky Mountains; the Dominion assumed all costs and no objection was lodged by the Provincial Government.

In 1905, the Province of Saskatchewan was created with its present boundaries. The remainder of the province came under treaty with the signing of Treaty No. 10 in 1906. From 1901 to 1911 Saskatchewan's population increase, mainly from the influx of settlers, was the most spectacular in Canada - nearly 400 per cent; during that period well over a million people settled in the Prairie Provinces and British Columbia. The Indian population in all three Prairie Provinces was roughly twenty-two and a half thousand people in 1900.

Alberta was the first (and only one) of Canada's constituent parts to be created a province after the Indian title had been substantially extinguished. Except for a small corner on its eastern border at the fifty-fifth parallel (included in Treaty No. 10 of 1906), the future province was completely cleared of the aboriginal title with the signing of Treaty No. 8 in 1899-1900. Along with Saskatchewan, provincial status was achieved in 1905; population growth was hardly less spectacular - over four hundred per cent in the decade from 1901 to 1911.

Of course, the treaty benefits accorded their western and southern neighbours encouraged the Indians at Norway House, Cross Lake, and Fisher River in 1908; at Oxford House, God's Lake, and Island Lake in 1909; and at Deer Lake, Fort York, and Fort Churchill in 1910 to follow suit. The area (133,400 square miles) was covered in Adhesions to Treaty No. 5 and included in the Province of Manitoba's boundary extensions of 1912.

BRITISH COLUMBIA

In many aspects British Columbia differs considerably from the rest of Canada, these differences having greatly affected the conditions for human habitation both in prehistoric and historic times. Essentially this is a matter of geography and climate, governed in part by the great mountain ranges which separate most of the province from the rest of Canada.

It has been estimated that prior to its discovery by Europeans the vast area we know as Canada supported less than a quarter million people; of these, approximately one hundred thousand - forty per cent - were concentrated between the mountains and the Pacific Ocean. As man had ranged Canada for uncounted generations, the conclusion is inescapable that he found the ocean beaches and salmon rivers of the future province most favourable to his survival - the waters teemed with food; the forest provided housing, fuel, clothing and utensils. As the sea supplied a sustained yield, this was the only part of prehistoric Canada in which the inhabitants developed a thoroughly dependable economy of surplus; consequently, social organization was advanced, artistic expression sophisticated, technology was at a relatively high level and trading activities were extensively engaged in.

Initially, European exploratory activities tended to focus on the products of the sea and were peculiarly confined to the last quarter of the 1700's. The original competitors - the Spanish and English - appeared off the coast in the 1770's, with the Russians and Americans entering the fray in the 1780's. As noted previously, the Scots-Canadian representatives of the North West Company arrived late on the scene, overland, at the turn of the century.

Following the same late pattern and not until amalgamation with the North West Company had been effected did the Hudson's Bay Company extend its trading influence into the area. In 1849, under the same unlikely rationale found wanting in New France two centuries earlier, the Company was charged with the settlement and colonization of Vancouver Island while still retaining full trading rights on the Island and on the mainland opposite. In 1851 the Company's Chief Factor at Fort Victoria, James Douglas, became Governor without relinquishing his former position.

The fur trade and settlement were, of course, no more compatible in the 1850's than they were in the 1650's; colonization languished. The few settlers who ventured into the enclave did serve, however, to warn the Indian residents of things to come. To allay native fears, Governor Douglas in his first few years of office negotiated a series of aboriginal title surrenders (which included provisions for village reserves) in the northeastern and southeastern parts of the island; these, and the almost accidental inclusion of the northeast quarter of the Province in the activities for Treaty No. 8 in 1889, represent the only formal treaty activities in which the Indian people of British Columbia have participated.

As a result of the disruption caused by the rapid influx of miners, the mainland (controlled by the Hudson's Bay Company as New Caledonia) was erected to the status of a Crown Colony in 1858 and renamed British Columbia. The new Colony was brought under Governor Douglas' sway on the condition that he sever his connection with the Company.

In 1861, Governor Douglas directed that village reserves be clearly defined throughout British Columbia, stipulating that the bounds were "to be pointed out" by knowledgeable Indian persons. Thus, for the first time, we find fixed aboriginal occupational sites (of long standing) not created but confirmed as reserves; however, with the intention of protecting the reserves from pre-emption the Governor declared them to be held by the Crown in trust for the Indian people. First we were presented with treaties without reserves; now, we encounter reserves without treaties. The anomalies thus created are as prodigious as any previously met. What are the aboriginal range rights of fixed communities? What happens to the principle of the aboriginal title? In all probability the Royal Proclamation of 1763 can hardly be held to apply to an area whose existence was a matter for conjecture at the time; geographer John Rocque's map of 1761 North America showed all the land north and west of what are now Lakes Winnipegosis and Manitoba as "intirely unknown" (sic). On moral grounds alone, one could argue if the principle of the aboriginal title holds in any part of Canada it holds in every part.

Governor Douglas retired from office in 1864; two years later British Columbia achieved its present boundaries through union of the two Crown Colonies with the Stickeen Territory. Although discovery and exploration had come later, British Columbia was the first of the larger provinces to be marked out (as a Colony, nonetheless) and the northern boundary, the 60th parallel, eventually became that of all the western provinces.

As has been related, British Columbia entered Confederation in 1871 on the understanding that construction of the Canadian Pacific Railway would be started within two years and completed by ten. At that time, the policy of allotting and holding lands on behalf of the Indian people put into practice by Governor Douglas was clearly defined; by 1912, most of the reserves had been properly identified and were conveyed to the Dominion. Arising from the railway agreement, two extensive tracts of land identified as the "Railway Belt" and the "Peace River Block" became the subjects of negotiation between the Dominion and the Province: the Railway belt was a patchwork of blocks extending from the Alberta border between Jasper and Field to North Vancouver; the Peace River Block covered 3,500,000 acres entirely within the British Columbia portion of Treaty No. 8. The Dominion interest in these lands was returned to the Province in 1930 on the stipulation that reserves therein "shall continue to be vested in Canada in trust for the Indians."

YUKON

Some of the most ancient sites of early man in Canada are to be found in the extreme north of the Yukon Territory and in its southerly reaches. From Asia, the most likely initial migration route would have been through Alaska's Seward Peninsula, eventually intersecting with the north bank of the lower Yukon River; the probable northerly route into the present Territory being via the Porcupine River - the southerly, the upper reaches of the Yukon.

Historically, the Yukon's destiny was more directly linked to the settlement of the Alaska boundary question - primarily with Russia - than as a hazy adjunct of the "Indian Territory" proviso (extending somewhere to the west from Rupert's Land) mentioned in the Royal Proclamation of 1763.

To the Russians, Alaska was "Russian America" although at times (particularly in the early stage) the Russian claims to sovereignty in North America were just as nebulous, and pretentious, as those shared by the other occupying powers. In the early 1700's the North Pacific was essentially a huge area for geographic speculation. Lands were projected which did not exist and whether or not Asia and America were connected at their northern extremities was the subject of acrimonious debate; this latter question obsessed Peter the Great and to resolve it he chose Vitus Bering, a Dane in the Russian naval service. Peter died before Bering's expedition to the Siberian coast got underway; however, Peter's widow, Catherine I, continued the plan. Unknown to Peter, Catherine or Bering was the fact that the question had been resolved nearly a century earlier (about 1640) by a group of Cossacks who had coasted Arctic Siberia to its eastern limits in a boat held together with willow withes; their report lay buried in the files at Yakutsk.

Bering's first expedition in 1730 was considered inconclusive and he was again commissioned to conduct a voyage of exploration; this time to discover America. Along with Captain-Lieutenant Cherikov in an accompanying ship, they mapped the northwest shoulder of the North American continent in the summer and fall of 1741. Cherikov had also explored the Aleutians, encountering the fur seal and the sea otter. Unfortunately, Russia had acquired a new empress, Elisabeth, in the meantime and Russian America was turned over to the promyshlenniki (independent Russian fur traders) who were interested only in reaping the the rich harvests of the coastal waters.

In 1762 Catherine the Great succeeded to the throne of Russia and her dreams of empire included America. Strangely enough, the other colonizing powers had not realized that Russia had been reaping enormous profits for over twenty years in the Chinese market from the sale of fur seal and sea otter pelts taken off the Aleutians and Alaska; the orientals had assumed that the source was the coast of Siberia. At a diplomatic function Catherine declaimed that not only would she extend Russia's fur-gathering along America's western coast, but that she would assert her suzerainty over that area by the establishment of permanent Russian settlements therein. The immediate reaction was the flurry of activity by the British and Spanish in the late 1700's.

Russia of course did not lack men to support Catherine in America and by 1784 shore posts (hardly settlements) were established at Attu, Agattu and Unalaska in the Aleutian Islands and on Kodiak Island off the mouth of Cook Inlet; eighteen months later a shore settlement was established on the mainland fronting Cook Inlet. By 1807, New Archangel on Baranov Island in Sitka Sound was a thriving community and the ostensible capital of Russian America. The first resident Chief Manager, Alexander Baranov, had formed an enduring mercantile alliance with American shipping interests and fur-poachers; along with Aleuts carried in American ships, joint forays regularly invaded the coast of Spanish California. By the 1820's forty forts were functioning in Russian America - including Fort Ross built and manned by Russians on the coast of California.

As a result of internal crises compounded by difficulties abroad, and under mounting pressure from the navy, Russia suddenly declared that Russian America extended south to latitude 51⁰ (the Queen Charlotte Strait), that no foreigner was to trespass and, further, that no foreign ship was to approach within a hundred miles of shore. This, of course, was too much for the United States who, in concert with a very concerned Great Britain, applied immediate pressure. The upshot was a treaty (1824) whereby the United States rolled back the border to 54⁰ 40' and Russia agreed to establish no more posts or forts outside the newly prescribed bounds. In 1825 Britain agreed to the southern limitation but also insisted on entry rights along the narrow coastal strip and establishment of the border which still exists between Alaska and the Yukon Territory. The Alaska purchase by the United States in 1867 did not substantially alter any of these provisions; certainly, not as far as the Yukon was concerned.

As administrators and colonizers, the Russians showed very little respect for human life where their officers, colonists and fur traders were concerned; this was passed on and the treatment accorded aboriginal peoples by Russian officers, colonists and fur traders was sometimes barbaric and occasionally little less than bestial. The experiences of the Aleut, Tlingit and Kutchin peoples at the hands of the Russians have been stated to have contributed to the general distrust of the northern peoples for Europeans and native disinterest in treaty activities. The American military control, imposed during the first ten years after the purchase, did nothing to improve the situation either.

As the Yukon was at first included in the North-Western Territory, isolation (between the Great Divide and United States territory) led to the creation of the Yukon as a separate Territory in 1898. Other than a small area covered by Treaty No. 8 in 1899 in the southeast corner of the Territory east of the Great Divide, there has been no treaty activity in the Yukon. Mining and other developmental activities have helped to deplete or drive away the traditional resources on which the Indian people depend.

NORTHWEST TERRITORIES

Before the explorations of the Hudson's Bay Company's Samuel Hearne (1769-72), the depth of country between the northwest confines of Rupert's Land and the Pacific Coast was unknown to the British - "The Continent of America is much wider than many people imagine." Owing to Hearne's efforts, and those of his Cree guide Matonabee, the lands from the Slave River, Great Slave Lake and the Coppermine River north to the Arctic were accurately reported. Later, Alexander Mackenzie, an agent of the North West Company, who was well aware of Russian fur-gathering forays yet hopeful of finding a river route to Cook Inlet on the coast of Russian America, set out from Fort Chipewyan in 1789; instead, he found the river (which now bears his name) and followed it to the Arctic Ocean.

By the early 1800's a number of posts had been established along the Mackenzie River; the area's fur resources were being thoroughly exploited and contact had been made with a Russian fur-trading post in what was to become the Yukon Territory. Although the Hudson's Bay Company's agents were officially confined to Rupert's Land, the North West Company's traders were free to collect furs in roughly three-quarters of the area north of the 60th parallel. While Mackenzie's loyalties were with the North West Company, he felt that the constant frittering away of the two Companies' energies in internecine strife was disastrous considering the ever-increasing competition from Russian and American traders. His hopes were realized with the merger of the Hudson's Bay and North West Companies in 1821, followed by a working agreement between the revitalized Company and the Russian Americans which was to last until the Alaska purchase in June 1867.

The Alaska purchase in itself was one of those strange, but quite frequent, incidents in history which originate with a fallacy, grow through guile and deception and terminate in bitterness and misunderstanding. The Czar was told that under the rule of "Manifest Destiny" the United States would eventually take Russian America by force and that by offering to sell he would accommodate American interests and perpetuate American goodwill; he did not want to sell. The United States Congress was told that the rush in Canada to confederate was bound to include Russian America and that the United States must acquire the territory by purchase; they did not want to buy. Finally, through persuasion, each of the major parties was convinced that he was doing the other a favour and the deal was made (\$7,200,000). The chief Russian negotiator was eventually accused of fraud and bribery and spent the rest of his life in exile (the Czar was accused, albeit in secrecy, of peddling holy Russian soil and Russian subjects). The charges in the United States included everything from malfeasance to corruption: Alaska was dubbed "Seward's ice-box" and sentenced to ten years' military occupation (the military commander was a noted Indian fighter and felt his assignment was a logical continuation of his career). In Canada, the event was hardly noticed; Confederation (July 1867) was the more immediate concern.

From 1867 to 1870 the recently consolidated Hudson's Bay Company held undisputed sway over most of Canada. In effect, through the efforts of the Canadian Indian people, the fur trade reigned supreme. At one stroke, all this changed, however, with the transfer of Rupert's Land to Canada in 1870: the founding provinces, with the exception of the Maritimes, were mere shadows of what they were to become; British Columbia was a British Crown Colony; the rest became the North-West Territories, under Dominion administration.

As was the case earlier in the East, an immediate result in the opening of the West was the commencement of intense treaty activity throughout the Fertile Belt in order to clear the lands of the Indian title in advance of anticipated settlement and to clear any prospective route for the proposed east-to-west railway. Neither of these developmental considerations had immediate bearing in the lands north of the 60th parallel and the only activity of consequence was inclusion in 1900 under Treaty No. 8 of the area to the south of Great Slave Lake, mainly because of mining exploratory activity in the lands between it and Lake Athabasca.

In 1880 British rights to the Arctic Islands passed to Canada and were lodged with the North-West Territories; in 1898 the Yukon Territory was separated. In 1912, with the final demarcation of the provinces, the Northwest Territories attained the present boundaries and, in 1925, Canada's northern boundary was extended to the North Pole in accordance with the "sector principle".

The partnership with the Canadian Indian peoples fostered by the Hudson's Bay Company in the late 1600's was maintained well into the twentieth century in the Northwest Territories. Indeed the Company's scope had been curtailed elsewhere and pelts were inevitably becoming scarcer; however, the Territories were well outside the areas coveted for settlement and the early-acquired way of life still provided subsistence for the fur-gatherer and profits for the Company. Then, a sudden change and the usual immediate effect - oil was discovered at Fort Norman in 1920 and Treaty No. 11 was signed everywhere within the Mackenzie District in 1921. According to the fiat first laid down in 1763 and interpreted in the early 1780's, as soon as the land was found to have gained significant value, or was wanted for development purposes, it had to be cleared of its aboriginal title with all possible dispatch.

There was one significant difference; noting the baneful effect on the people south of Great Slave Lake in Treaty No. 8, the Treaty No. 11 people were not going to be relegated to reserves. Although provision was made in both Treaties for reserves on the basis of one square mile per family of five (or, in Treaty No. 8 only, 160 acres per person for those who chose to live apart), until 1974* not a single reserve site was chosen anywhere in the Mackenzie District, nor in the small corner of the Yukon covered by the treaty. As had been the case in 1787, the treaties were signed, dated, and proclaimed, but critical elements were left hanging. This raises pertinent questions concerning: the prospective life of treaty negotiations; the time required to observe or fulfill a condition; and, whether the penalty or avoidance principles common to most other types of material settlement agreements apply.

As is provided in the treaties, federal conservation regulations are applicable throughout the Territories and the Yukon including protection of migratory birds, muskoxen, polar bear and female caribou. (Developmental and sporting activities have, as in the Yukon, reduced the traditional game resources on which Indian people depend.)

* A reserve of 52 square miles was set aside for the Hay River Band of Treaty No. 8 by Order-in-Council P.C. 387 of 26 February 1974.

SUMMARY

From the time the first European set foot on what was to become Canada, until the present limits were fixed by the inclusion of Newfoundland in 1949, European sovereignty over the land was essentially a matter of effective occupation. On the East coast, the Vikings barely established a toehold and disappeared almost without a trace; the bitter contest between the French and, first the English, then the British after the Union of the Crowns, was finally resolved by force of arms in 1759-60 following three centuries of contention. On the West coast, despite the claim said to have been established by Drake at the 38th parallel in the sixteenth century, Spain held the coast well north of the 40th parallel until pushed out of contention. The Russian claim to all the coast from the 55th parallel north was never seriously contested by Britain yet Russian America passed rapidly to the United States by purchase in 1867.

With the extension of international rivalries on the North American continent, traditional inter-tribal conflicts were often intensified. Group movements became more frequent and were subject to manipulation by the competing European factions, both in colonial wars and through the fur trade. The fur trader needed the Indian collector and from this need grew esteem and understanding. As fur resources were depleted and large-scale settlement became a factor, the Indian could not escape the unappreciative attention of the incoming developers and homesteaders.

Indian treaty activity in Canada began with the Maritime "Peace and Friendship" agreements during colonial struggles, in which the principals agreed to aid each other in conflict or remain neutral. There was no mention of land title and, invariably, the Indian people were assured they would not be disturbed in their traditional pursuits (hunting, fishing, and trapping). Between 1725 and 1779 there were as many as eight agreements of this type.

The most significant date in Canadian Indian treaty matters is 7 October 1763 when, by Royal Proclamation, the British Sovereign directed that all endeavours to clear the Indian title must be by Crown purchase. In effect, the Proclamation applied to lands then west of the settled areas, Old Quebec and the Maritimes having been passed over as if they had been adequately dealt with. The anticipated influx of settlers was accelerated by the Revolutionary War (1775-1783) and then by the War of 1812; hence, the half-century between 1775 and 1825 witnessed a comprehensive land surrender scheme to extinguish Indian title involving most of what is now southern Ontario. Compensation to the Indian groups deemed to be in situ was sometimes in cash, sometimes in goods. The land so "cleared" or "ceded" was considered freed of all encumbrance with plenty of room for Indians and non-Indians alike.

Thereafter, the exigent elements of Canada's growth westward and northward dictated the pace and direction of treaty activity. The discovery of minerals north of Lakes Superior and Huron precipitated the negotiation of the Robinson Treaties in 1850 with the Ojibeway. Plans to settle the region of the Fertile Belt in the Prairies exerted similar pressures as the Indian peoples and the Crown in right of Canada signed Treaties 1 through 7 between 1871 and 1877. Subsequent treaty activity continued ad hoc - the discovery of gold at the Klondike River (1897) led to Treaty No. 8 in 1899, thus clearing the access route from Edmonton to the Pelly River; plans for construction of roads and railways precipitated the signing of Treaty No. 9 in 1905; Treaty No. 10 in 1906 immediately followed the attainment of provincial status for Saskatchewan and Alberta; the discovery of oil at Norman Wells in 1920 preceded Treaty No. 11 by one year.

The commissioners saw the treaties in one way; the Indians in quite another. A reading of the reports of the Commissioners and of Lieutenant-Governor Morris' book* shows that the two groups came together with radically different expectations. The Indians sought to be protected from land-grabbing settlers and from the evils they sensed. Buffalo herds were diminishing - the railway was projected; they sought wide ranges which they could call their own and over which they could live much as they had in the past. The Commissioners saw Indian reserves as places where Indians could learn to be settlers and farmers. Some Indian spokesman appeared to accept the idea of farming, but it is unlikely they fully understood all that entailed.

The 1923 Chippewa and Mississauga Agreements in Ontario notwithstanding (which involved compensation for surrender of Indian hunting, fishing, and trapping rights), there has been no "treaty activity" in Canada since.

In the 1970's, loss of "traditional livelihood" through hydro-electric power development (James Bay) and oil-producing schemes (Northern pipelines) has precipitated a strong dialogue between native groups and government. This time, by combining a higher degree of research, with consultation and negotiations on both sides, compensatory agreements have been or are being worked out in many non-treaty areas of Canada. In those areas already covered by treaties, the Federal Government has stated that it will honour its "lawful obligations"; to this effect it has provided research funding for Indian bands and organizations to investigate claims or grievances relating to the fulfilment or interpretation of Indian treaties.

* The Hon. Alexander Morris, P.C., The Treaties of Canada with the Indians of Manitoba and the North-West Territories, Toronto, Belfords, Clarke & Co., 1880; reprinted by Coles Publishing Company, Toronto, 1971.



